



**Randwick City
Council**

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DA COMPLIANCE REPORTS

&

**UNDER SEPARATE COVER
ATTACHMENT**

**ORDINARY COUNCIL MEETING
TUESDAY 25 NOVEMBER 2014**

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Development Application Compliance Report



Folder /DA No:	DA/560/2014
PROPERTY:	89-89A Mooramie Avenue, KENSINGTON NSW 2033
Proposal:	Change of use of the existing dwelling house and out building to a boarding house including associated alterations and additions to the building and a new disabled ramp
Recommendation:	Refusal

1.0 Relevant Legislation

1.1 Disability Discrimination Act 1992 (Commonwealth)

The Building Code of Australia report submitted in support of the subject application identifies the development as containing two (2) classes of building, including:

1. The main dwelling as a Class 3; and
2. The ancillary outbuilding as a Class 1b.

In 2011, the Federal and State Governments integrated the provisions of the Disability (Access Premises) Standards 2010 (the Access to Premises standards) of the *Disability Discrimination Act 1992* with the National Code of Construction and the Building Code of Australia (BCA).

Volumes 1 and 2 of the BCA, provides construction standards for Class 1b and 3 Buildings defined to include Boarding Houses. Under the BCA, part D3 *Access for people with Disabilities* governs the extent which new and existing buildings are required to provide access to mobility impaired/restricted persons. This is primarily guided by Table D3.1 of the Access to premises standards.

Table 1 provides an overview of the requirements for class 1b and class 3 buildings under the access to premises standards and the BCA.

Table 1: Extract of Table 3.1 of the Disability (Access Premises) Standards 2010

Building class and type	Required	Provided	Compliance
Class 1b – to include a boarding house (floor area > 300m²)			
	1 bedrooms and associated sanitary facilities	No accessible rooms are provided within the class 1b portion of the development.	No.
	not less than 1 of each type of room or space for use in common by the residents or guests, including a cooking facility, sauna, gymnasium, <i>swimming pool</i> , laundry, games room, eating area, or the like;	The class 1b building does not contain any communal room or laundry. The path of travel from the rear detached building to the main dwelling would not meet the required design standards due to the presence of stairs and changes in ground level.	No.

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Building class and type	Required	Provided	Compliance
		The bathroom within the detached building does not appear to have been designed to allow universal access.	
	rooms or spaces for use in common by all residents on a floor to which access by way of a ramp complying with AS 1428.1 or a passenger lift is provided	There is no access between the detached class 1b element and the main building.	No.
Class 3 – Boarding Houses <300m²			
	From a pedestrian entrance <i>required</i> to be <i>accessible</i> to at least one floor containing <i>sole-occupancy units</i> and to the entrance doorway of each <i>sole-occupancy unit</i> located on that level	An accessible entry from the front gate is proposed. However there is no access between the dwelling other areas of open space to the rear, side or connecting to outbuilding.	Partial.
	To and within not less than one of each type of room or space for use in common by the residents, including a cooking facility, sauna, gymnasium, <i>swimming pool</i> , common laundry, games room, TV room, individual shop, dining room, public viewing area, ticket purchasing service, lunchroom, lounge room, or the like	<p>One accessible room is located on the ground floor of the main dwelling (BR4) combined with one (1) accessible toilet.</p> <p>The following rooms are considered unlikely to provide suitable circulation at doorways or within the room once furniture is introduced:</p> <ul style="list-style-type: none"> • Laundry facilities; and • Both "communal rooms". <p>Notably, the accessible bathroom does not detail a shower and no other bathroom facilities are suitably designed.</p> <p>Furthermore no detail has been provided in relation to the modification to the construction of the kitchen facilities to determine compliance.</p> <p>In general the property does not appear to comply with access to premises standards.</p>	No.
	Where a ramp complying with AS 1428.1 or a passenger lift is installed: a) to the entrance doorway of each <i>sole-occupancy unit</i> ; and b) to and within rooms or	<p>A suitable ramp to the building is provided allowing access to the building.</p> <p>Notable, universal access is only provided to a single room and bathroom. Areas of</p>	Partial.

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Building class and type	Required	Provided	Compliance
	spaces for use in common by the residents, located on the levels served by the lift or ramp	private open space are inaccessible as is any external common area beyond the front setback.	

Based on the above the proposed development does not align with the provisions of *Disability Discrimination Act 1992*, legislation. The spatial requirements for satisfying the provisions of the access to premises standards will affect the layout of each building and its tenant capacity.

In this regard they are not matters that can be conditioned for resolution.

1.2 Environmental Planning and Assessment Act 1979 (State)

Unauthorised construction works

Section 109F of the *Environmental Planning and Assessment 1979* restricts the issuance of construction certificate for works that have been physically commenced.

In this instance, the boarding house came to Council’s attention as a result of a complaint received in relation to the use of the rear outbuilding. On inspection, Council’s Senior Building Surveyor observed that the former garage had been converted into six (6) single occupancy rooms. While these rooms were subsequently removed under orders issued by Council, both the outbuilding and the main dwelling have undergone significant physical changes for which neither development consent nor a construction certificate may be issued.

An inspection of the building undertaken externally confirms that modifications to structural elements have been completed. It is also noted that these works are not clearly documented in the application and are in fact indicated as proposed works. These generally include:

- new north facing window at the second level of the main building;
- new doors to the rear balcony and verandah;
- new internal wall within the proposed “communal room” severing the upstairs from the down stairs. This wall is not shown as existing or proposed;
- internal removal of walls between the entry “communal room” and hall way;
- extensive internal works to the rear outbuilding, including removal of previous single dwelling and reconfiguration of rooms and new entry door in the western façade; and
- removal of former western door from garage and installation of windows.

The above has been compiled based on an external site inspection of the property and the last known building layout. There may be omissions and exclusions based on lack of information.

Notwithstanding the above, under the provisions of the Act none of the unauthorised construction works can be approved under the current application or by way of construction certificate. As such the application cannot be approved in its current form.

Any future application shall properly document all building alterations and be submitted with a concurrent Building Certificate application.

Relevant Environment Planning Instruments:

2. State Environmental Planning Policies (SEPPs)

The following State Environmental Planning Policies are relevant to the assessment of the application.

- State Environmental Planning Policy No. 55 – Remediation of Land

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- Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- State Environmental Planning Policy (Affordable Rental Housing) 2008.

2.1 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or the environment generally.

The potential for the land to be contaminated has been considered in accordance with clause 7 of the SEPP. In accordance with subclause (4) the following matters are confirmed: \

- The land is not located within an investigation area;
- The land is not known to have been used for a purpose referred to in Table 1 of the contaminated land planning guidelines; and
- The site has a known and continuing residential use that is unlikely to have contributed to contamination of the land.

The site is considered suitable for the intended continuation of residential use, without the need to undertake further investigation.

2.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) operates in conjunction with the *Environmental Planning & Assessment Regulation 2000* to ensure the effective attainment of the NSW Government sustainability targets in NSW.

The development is defined as BASIX affected development under the provisions of the SEPP involving a change of use from dual occupancy to boarding house and associated construction works estimated at \$50,000 or more.

In accordance with the provisions of clause 6 (1)(a) the development application was accompanied by a BASIX Certificate, prepared by Newera Design.

The BASIX certificate has been prepared for "alterations and additions" for a single dwelling house. The application involves a change of use from dual occupancy to boarding house. Given that the development has been assessed as a Class 3 building as opposed to a Class 1b under the BCA, it would have been more appropriate to apply the standard of multi-dwelling housing to the proposed form of development.

The development is not considered to be consistent with the requirements of SEPP BASIX.

2.3 State Environmental Planning Policy (Affordable Rental Housing) 2009

The application has been lodged under Division 3 *Boarding Houses* of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPPARH).

The land is zoned R2 Low Density Residential under the provision of the RLEP 2012 and is located within 400 metres walking distance of Anzac Parade and a bus stop from which regular bus services are available.

In accordance with the provision of clause 27(2) of SEPPARH the land is subject to operation of Division 3 *Boarding Houses* and the application may be considered under the provisions of the SEPP.

1.3.1 Standards that cannot be used to refuse consent (Clause 29)

Table 2 provides an assessment of the proposal against the provision of clause 29 *Standards that cannot be used to refuse consent*

Table 2: consideration of relevant planning controls under clause 29 of SEPPARH

cl.	Control/Requirement	Proposed	Compliance
(1) Density and scale, where the floor space ratio is not more than:			
	(a) 0.5:1, being the maximum FSR of for any form of residential accommodation permitted on land zoned R2 Low Density Residential	<p>A GFA of 338.9m² is proposed, equal to an FSR 0.57:1.</p> <p>Clause 4.4(2A) (b) of RLEP 2012 allows a single dwelling house on land zoned R2 Low Density Residential with a site area of >450m² and ≤600m² to have a maximum FSR of 0.65:1.</p>	Yes.
(2) A consent authority must not refuse consent to development on any of the following grounds:			
(a)	Building height, where the building does not exceed 9.5 metres	<p>The development does not alter the existing building height, which currently has a maximum RL of 31.9 AHD.</p> <p>The plans do not provide existing ground level details, as such only an approximation of height can be made. Based on the scaled drawings the existing building appears to be approximately 8 metres.</p> <p>As no alteration in the building height is proposed, so as to alter the character of the development, its relationship to surrounding land or alter any existing impacts this element is considered acceptable.</p>	Yes.
(b)	Landscaping within the front setback to be consistent with the prevailing streetscape	<p>The front setback of the existing dual occupancy contains open grass and with edge plantings, including several large tree plantings.</p> <p>The proposed development seeks to increase the area of impervious surfaces to allow for the construction of a bin store and new entry ramp causing the removal of two (2) existing trees.</p> <p>While the proposed works are disruptive to the existing front setback and landscape setting of the dwelling, they are obscured by a 1.8 metre solid</p>	No.

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cl.	Control/Requirement	Proposed	Compliance
		<p>wall, such that they are not visible from adjacent properties, the street or passersby.</p> <p>In general Council does not promote the location of bin storage areas forward of building lines and if the intensity of the use were reduced and all necessary support facilities were accommodate within the existing detached garage, the development would achieve an elevated amenity.</p>	
(c)	<p>Where communal living is provided at least one room receives 3 hours direct sunlight between 9am and 3pm</p>	<p>For the purpose of the SEPP, communal living room is defined to include:</p> <p>Communal living room means a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as lounge room, dining room, recreation room or games room.</p> <p>Notably all rooms would constitute habitable space and should be both designed and constructed in manner capable of being used for the purposes intended by the SEPP.</p> <p>The applicant proposes two (2) communal rooms.</p> <p>The first is located to the north of the existing ground floor dwelling and is currently an enclosed entry porch measuring 2.47m x 5.26m and floor area of 13m².</p> <p>The second is a side entry to the residence that is irregularly shaped with an overall area of 12m².</p> <p>The orientation of the site would facilitate reasonable solar access between 9am and 3pm.</p> <p>Notwithstanding the above, it is unclear as to whether this</p>	<p>No.</p>

cl.	Control/Requirement	Proposed	Compliance
		<p>space would meet the intended function of providing suitable habitable space for residents, in terms of construction or floor space requirements.</p> <p>Moreover, the space includes a window to the adjoining bedroom comprising privacy of residents.</p> <p>It is considered that the room does not meet the definition of a communal room, as it is incapable of providing for the recreational needs of residents due to its limited functional floor space and lack of suitable construction methodology.</p>	
(d)	Private Open Space (not including the front setback) of		
(i)	One area at least 20m ² , with a minimum 3 m dimension	An area to the rear of the site between the main building and outbuilding with dimensions measuring approximately 3.2 m x 6.4 m with a total area of 20.48m ² .	Yes.
(ii)	Where a boarding manager is present, one area of 8m ² and minimum dimension of 2.5 m is provided adjacent to their quarters.	No manager is required by the SEPP for a boarding house supporting less than 20 lodgers.	Not applicable
(e)	Parking, if:		
(i)	In accessible, at least 0.2 parking space are provided for each boarding room;	11 boarding rooms are proposed, requiring the provision of 2.2 spaces.	2 spaces provided
(ii)	Outside accessible areas, at least 0.4 parking spaces are provided per boarding room.	Site is located within an accessible area.	Not applicable.
(iii)	In case of any development, not more than 1 parking space is provided for each person employed for employees resident on the site.	Boarding house intended to support less than 20 lodgers, no resident employees required or intended.	Not applicable.
(f)	Accommodation Size, if each boarding room has a gross floor area (excluding bathrooms and kitchens) of at least		
(i)	12m ² for single occupancy rooms, or	Rooms generally satisfy the minimum requirements	No.
(ii)	16m ² for double occupancy rooms	Rooms generally satisfy the minimum requirements	No.

cl.	Control/Requirement	Proposed	Compliance
(3)	Boarding rooms may provide private bathrooms and kitchens, but these facilities are not required.	Rooms, B1 and B6 have private bathrooms.	Noted.
(4)	The consent authority may consent to development that does not comply with the controls of sub-clauses (1) and (2)	Noted.	Refer to discussion.

1.3.2 Standards for boarding houses

Clause 30 of SEPPARH prohibits the granting of consent to a boarding house that does not demonstrate compliance with development standards of this clause.

Table 3 provides a compliance assessment of these non-variable development controls.

Table 3 Assessment of compliance against clause 30

cl.	Control/Requirement	Proposed	Compliance
(a)	A boarding house of more than 5 boarding rooms requires at least 1 communal room is to be provided.	<p>The plans nominate two (2) communal rooms, neither of which are considered capable of supporting recreational activity due to the small size of the spaces and irregular shape.</p> <p>In this regard the spaces provided are not considered to meet the definition of a "communal room" as provided by the SEPP.</p> <p>It is also questioned whether this space would be accessible to mobility impaired persons once the furniture identified within the Plan of Management (refer to page 12) was added to the room.</p>	No.
(b)	No boarding room to have a gross floor area (excluding bathrooms and kitchens) exceeding 25m ² .	The maximum size of any boarding room is approximately 17.6m ² .	Yes.
(c)	No boarding room will be occupied by more than 2 adult lodgers	<p>The maximum occupancy of any boarding room is shown on the plans as two (2).</p> <p>This will be managed by the Plan of Management submitted with the DA.</p>	Yes, subject to condition and management.
(d)	Adequate bathroom and kitchen facilities will be available for all lodgers	<p>Two (2) kitchens are provided for the use of lodgers, including:</p> <ul style="list-style-type: none"> One kitchen with a floor area of 12m² located on the ground floor of main 	No.

cl.	Control/Requirement	Proposed	Compliance
		building; and • A galley kitchen located in the outbuilding supporting rooms B5 and B11. The kitchen in the main dwelling serves up to 15 residents with a single combined fridge/freezer and stove considered inadequate to meet the needs of residents. Within the main building four (4) common bathrooms, including one (1) accessible bathroom, are provided and two (2) rooms are provided with ensuites. The rear outbuilding has one bathroom between two (2) boarders.	Yes, adequate bathroom facilities are provided.
(e)	If the boarding house has capacity to support 20 or more lodgers, a room or residence will be provided for an on site manager.	A maximum of 17 boarders are intended to be accommodated on site.	Not applicable.
(f)	(repealed)	Not applicable	Not applicable.
(g)	If on land zoned for commercial purposes no portion of the ground floor is to be used for residential purposes.	Land is zoned residential.	Not applicable.
(h)	At least: One bicycle parking space for every 5 rooms; and One motorcycle parking space for every 5 rooms.	2.2 spaces required. 6 spaces provided. 2.2 spaces required. 2 spaces provided.	Yes. Yes.

1.3.3 Local Character (30A)

Clause 30A of SEPPARH prohibits the granting of consent for the purpose of boarding house, unless the consent authority has considered the compatibility of the developments design with the prevailing local character.

The development seeks consent to change the use of an existing dual occupancy and detached garage with granny flat to a boarding house.

The development does not propose substantial modification to exterior form of the existing improvements. As such the character of the site and its compatibility with the surrounding context, in respect to build form and design, remains unchanged and consistent with the local area that is defined by a mix of single and two (2) storey dwellings.

3.0 Randwick Local Environmental Plan 2012

The subject site is zoned R2 Low Density Residential under Randwick Local Environmental Plan 2012 (RLEP 2012).

The development involves alterations to an existing dwelling house to provide 11 separate rooms capable of accommodating 17 persons for the purposes of providing short term accommodation, in accordance with the provisions of RLEP 2012 the development is characterised as a "Boarding House"

Pursuant to the provisions of the land use table applying to the R2 Low Density Residential zone adopted under clause 2.3 of RLEP 2012, the development is permitted with consent of Council.

The development is generally in accordance with the stated zone objectives, as follows:

- The development will contribute to the diversification of the housing stock through the delivery of affordable rental accommodation;
- The development does not result in a substantial alteration to the outward appearance of the existing dwelling that will continue to present as a single dwelling house; and
- The development is unlikely to diminish the amenity of adjoining residents as a result of overshadowing or privacy impacts.

Table 4 provides an assessment of the proposal against the relevant following development standards of RLEP 2012.

Table 4: Summary and consideration of RLEP 2012 Development Standards

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum) for development other than a dwelling house or semi-detached dwelling on land zone R1 Low Density Residential	0.5:1	0.57:1	N/A. Varied by Clause 29(1) SEPPARH.
Height of Building (Maximum)	9.5 metres	8 metres (approx.)	Yes
Lot Size (Minimum)	400m ²	589.7m ²	Yes

4.0 Randwick Comprehensive DCP

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the sections below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

4.1 Part B5 Tree Preservation

Part B5 Preservation of Trees and Vegetation provides guidance when considering applications for the removal of trees to give effect to a development.

The site contains three (3) established trees within the front setback of the property, varying in height from 5 metres to 6 metres. As shown in Figure 1 below, the proposal seeks to

remove Trees 1 and 2, located closest to the front boundary and transplant Tree 3 in the position of Tree 1.

The applicant indicates the removal of two (2) trees is necessary to facilitate the development. In particular, Tree 2 is required to be removed to accommodate the new waste storage area and Tree 3 to allow a realignment of the entry path and establish a primary point of entry from the southern side of the dwelling.

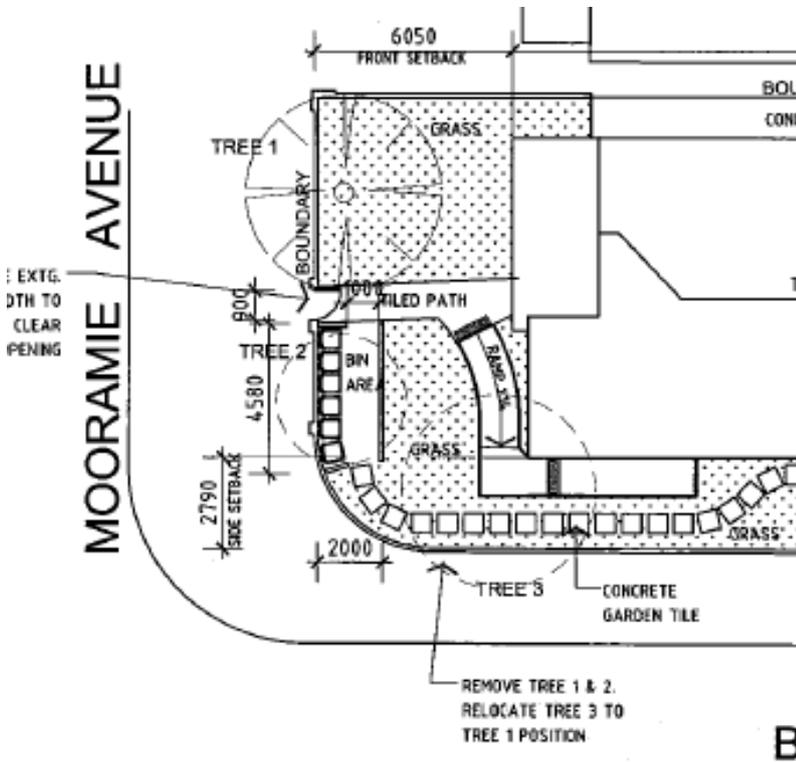


Figure 1: Extract of site plan showing tree removal (source: New Era Design)

The application was not supported by an arborist report specifying the trees species, aesthetic significant or safe useful life expectancy. In the absence of this information a full assessment of impact cannot be made.

Notwithstanding the above, the removal can be considered against the objectives of Part B5, which include the following:

- To effectively protect the urban forest in Randwick City, with particular emphasis on retaining trees with cultural heritage and natural significance;
- To encourage the preservation of trees and vegetation that contribute to native flora and fauna habitat; and
- To establish a clear frame work and requirements for the proper management of trees and other vegetation.

The proposed tree removal is not considered to be consistent with the objective, on the basis of the following:

- The proposed relocation of the primary entry to the site to the side of the dwelling is unnecessary and contrary to modern urban design and crime prevention principles;
- The necessity to provide a waste management store within the front setback, resulting in the loss of soft landscaping and trees is symptomatic of an overdevelopment of the site and poor functionality;
- There is insufficient information to support the proposed transplanting of Tree 3;
- There is no reasonable grounds to support the removal of Tree based on the information currently provided.

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- No attempts have been made to elevate the amenity of the site through redistribution of soft landscaping or compensatory plantings; and
- The proposed works are considered to contribute to a diminished aesthetic outcome.

The proposed tree removal is generally not supported.

4.2 Part B6 Waste Management

Table 5 below provides a summary and assessment of the relevant matters prescribed by Part B6 Waste Management of the RDCP 2013.

Table 5: Summary and assessment of the relevant provisions of Part B6 Waste Management

DCP Clause	Controls	Proposal	Compliance
6.3	Demolition and construction waste		
(i) – (vi)	Provide a suitable waste management plan to support construction and demolition phases of development.	A suitable Construction & Demolition Waste Management Plan has been provided in support of the application.	Yes.
6.4	Operational waste management		
(i)	Provide suitable and sufficient waste storage areas.	The development provides sufficient waste storage areas. The suitability of the location within the front setback immediately adjacent to the primary entry and between the front alignment and street is questionable, given that alternative areas are available on site.	No.
(ii)	Suitable waste management plan to support any application.	A suitable waste management plan has been provided.	Yes.
iii)	Waste store to be shown on plans.	Storage areas are detailed on the site plan.	Yes.
iv)	Locate and design waste storage to complement the design of the development. Avoid locating storage facilities between the front alignment and the street where possible.	Waste storage is located immediately adjacent to the property entry behind the front boundary fence, which is not considered to complement the design of the development or provide suitable amenity. The location of the store within the front setback could be	No.

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DCP Clause	Controls	Proposal	Compliance
		overcome through a reduction in the intensity of the use to allow support facilities to be located within the rear garage structure.	
v)	Locate waste storage areas to minimize odour and acoustic impacts on habitable rooms and adjoining properties.	<p>The bin store is located immediately adjacent to the property entry behind the front boundary fence.</p> <p>The location is suitable in respect to distance from habitable rooms both on the subject property and those adjacent. Notwithstanding, the location immediately adjacent to a street frontage could affect the public domain in respect to odour.</p>	Yes. But more suitable locations are available on site.
vi)	Screen waste storage facilities from view using fencing	Waste storage area is located behind a 1.8 metre high solid fence.	Yes.
vii)	Ensure facilities are easily accessible for all users and waste personnel and are step free	<p>The bin store is located immediately adjacent to the property entry and accessible path. Adequate depth has been provided within the storage area to allow the storage of bins and a 1 metre clear path. While the RLs of the path a store are no articulated on plan, this could be resolved through conditions.</p>	Yes. Subject to conditions.

4.3 C1 Low Density Residential

As the proposed development occurs within the R2 Low Density Residential zone the test of consistency in relation to clause 30A of SEPPARH for Local Character is best determined by considering the development against the local controls.

In this regard, it is noted that the test contained within Clause 30A is limited to the built form attributes of any development. Landscaping while considered to inform local character is noted to be the subject of a separate specified control under the provisions of SEPPARH.

Table 6: Summary of Low Density Residential Controls.

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2 Low Density Residential Boarding House.	Yes.
2	Site planning		
2.1	Minimum lot size and frontage		
	Minimum lot size for R2 Low Density Residential zoned land is 400m ²	589.7m ²	Yes.
	Minimum frontage		
	Minimum lot frontage for R2 Low Density Residential zoned land is 12 metres	The site is a corner site, with a main street frontage to Mooramie Street measuring 10.25 metres. Due to the corner site location, development potential is not restricted by virtue of a narrow frontage.	No, but considered acceptable.
2.3	Site coverage		
	Sites between 451 and 600m ² may have up to 50% site coverage	A maximum site cover of 294.85m ² (50%) is permitted. 36.5 per cent (215.1534m ²) of the site covered by buildings.	Yes
2.4	Landscaping and permeable surfaces		
	i) 451 to 600 sqm = 30%	Site = 589.7m ² Existing = 21 per cent (123.93m ²) Proposed = 17.8 per cent (105.19m ²)	No.
	ii) Deep soil minimum width 900mm.	Deep soil is constrained to the front and southern side setbacks	Requirement noted.
	iii) Maximise permeable surfaces to front	The proposal to remove deep soil to accommodate garbage storage areas and the new ramped entry reduces the existing provision of deep soil and landscaping, unnecessarily removes two established trees.	No.
	iv) Retain existing or replace mature native trees	The development proposes the removal	No.

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DCP Clause	Controls	Proposal	Compliance
		<p>of two (2) trees and the transplanting of a third.</p> <p>The application is not supported by an arborist report that considers either the removal or provides suitably consideration for the suitability of transplanted trees.</p> <p>No replacement trees are proposed to ensure the preservation of the urban tree canopy.</p>	
	v) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply.	<p>It is unclear if the tree to be transplanted would satisfy this requirement or survive the transplanted.</p>	Insufficient information.
	vi) Locating paved areas, underground services away from root zones.	<p>The location of the proposed ramped entry and waste management areas are located over roots zones requiring the removal and relocation of existing trees.</p>	No.
3	Building envelope		
3.1	Floor space ratio LEP 2012 =	<p>Site area = 589.7m² Existing FSR = 0.57:1 Proposed FSR = 0.57:1</p>	N/A. SEPPARH prevails.
3.2	Building height		
	Maximum overall height LEP 2012 =	<p>The development does not include the height of existing buildings.</p>	No change from existing.
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	<p>Development does not include construction of new external walls to the main dwelling or associated outbuilding containing two (2) boarding rooms and two (2) parking spaces.</p>	No change from existing.
3.3	Setbacks		
3.3.1	Front setbacks		
	i) Average setbacks of adjoining (if	<p>The development does not alter the setback</p>	No change.

DCP Clause	Controls	Proposal	Compliance
	none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	relationship of the existing dwelling or associated outbuilding.	
3.3.2	Side setbacks: Dwellings: <ul style="list-style-type: none"> Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above Refer to 6.3 and 7.4 for parking facilities and outbuildings	North: 1.25m; and South: 3m.	No change from existing.
3.3.3	Rear setbacks i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP. Refer to 6.3 and 7.4 for parking facilities and outbuildings	Site is located on a corner. 16 metre distance provided between rear alignment of existing balcony and rear boundary. Garage/outbuilding setback 920mm from rear boundary.	No change to existing. No change from existing.
4	Building design		
4.1	General		
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> articulated to enhance streetscape stepping building on sloping site, no side elevation greater than 12m encourage innovative design 	Wall lengths are unarticulated and over 15 metres in length. Notwithstanding, the architectural form of the existing dwelling is not proposed to be altered by the development. Alterations are confined to the	No change.

DCP Clause	Controls	Proposal	Compliance
		internal configuration of rooms and the buildings layout.	
4.4	Roof Design and Features		
	i) Rooftop terraces on dwelling (not roof) ii) Roof terraces above garages (low side) Dormers iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. v) Multiple dormers consistent vi) Suitable for existing <ul style="list-style-type: none"> • Celestial windows and skylights vii) Sympathetic to design of dwelling Mechanical equipment viii) Contained within roof form and not visible from street and surrounding properties.	Existing building form retained. No change to the existing roof form, reflecting a traditional pitched roof form consistent with the streetscape.	No change.
4.5	Colours, Materials and Finishes		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	The development does not involve external upgrades to alter the building materials.	No change.
4.6	Earthworks		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	The development does not involve ground level alteration works.	No change.

DCP Clause	Controls	Proposal	Compliance
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	Solar access in relation to boarding houses is regulated by SEPPARH	Not applicable.
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	Solar access to the habitable living areas of a boarding house are regulated by SEPPARH.	Not applicable, SEPPARH prevails.
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such	Energy efficiency of residential development is regulated by SEPP BASIX. As such the	Not applicable, SEPP BASIX prevails.

DCP Clause	Controls	Proposal	Compliance
	as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas <i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	provisions of section 5.2 of the RDCP do not apply.	
5.3	Visual Privacy		
	Windows		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	The ground floor north facing windows are not being altered by the proposed development. New windows are being introduced at the upper level but are off set from those existing on the adjoining northern property. All balconies are existing and proposed to be screened to provide additional privacy.	No additional privacy impacts will arise as a result of the change of use.
	Balcony		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	Upper level balconies to the existing dwelling are to be retained and provided with privacy screening along the northern and eastern elevations at both the ground and upper levels. Screening is approximately 1.8 metres above the finished floor level.	Yes, could be confirmed through condition.
5.4	Acoustic Privacy		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows	The primary communal open space serving the boarding house is located to the rear of the site. The	Yes.

DCP Clause	Controls	Proposal	Compliance
		<p>location of common space is consistent with the location of common space for adjacent dwellings.</p> <p>The application is supported by a Plan of Management that includes provisions that restricts the use of outdoor spaces by residents to the hours between 7am and 10pm.</p> <p>Furthermore, residents are restricted from the playing of music, parties or visitors after 10.00pm.</p>	
5.5	Safety and Security		
	<ul style="list-style-type: none"> i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access) 	<p>The proposed development relocates the main entry to the side of the existing dwelling to permit the adaption of the existing patio to a communal living room.</p> <p>The alteration would allow for casual surveillance of the pedestrian entry from the street. However, sightlines would be obstructed by the existing solid boundary fence (proposed to be retained).</p>	<p>No. Refer to discussion.</p>
5.6	View Sharing		
	<ul style="list-style-type: none"> i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must 	<p>The development does not alter the height of the existing dwelling so as to alter any existing views obtained over or through the site.</p>	<p>No change.</p>

DCP Clause	Controls	Proposal	Compliance
	minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)		
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)	Parking is regulated by SEPPARH the provisions of the DCP are not relevant to the assessment of the application.	Not applicable.
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: - nil side setback on adjoining property; - streetscape compatibility; - safe for drivers and pedestrians; and - Amalgamated driveway crossing	Existing garage, to be retained, is located approximately 1 metre off the rear boundary. Parking is provided to the rear of the site within an existing detached garage structure, with motorcycle and bicycle parking proposed to be located within the rear yard and southern side setback, respectively.	Yes.
6.4	Driveway Configuration		
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	The property benefits from two (2) existing driveways along the southern frontage.	No change.

DCP Clause	Controls	Proposal	Compliance
6.5	Garage Configuration		
	i) recessed behind front of dwelling ii) The maximum garage width (door and piers or columns): - Single garage – 3m - Double garage – 6m iii) 5.4m minimum length of a garage iv) 2.6m max wall height of detached garages v) recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) minimum clearance 2.2m AS2890.1	The proposal does not alter the built form or location of the existing detached garage.	No change.
6.6	Carport Configuration		
	i) Simple post-support design (max. semi-enclosure using timber or metal slats minimum 30% open). ii) Roof: Flat, lean-to, gable or hipped with pitch relates to dwelling iii) 3m maximum width. iv) 5.4m minimum length v) 2.6m maximum height with flat roof or 3.0m max. height for pitched roof. vi) No solid panel or roller shutter door. vii) front gate allowed (minimum 30% open) viii) Gate does not open to public land	A new rear awning structure is proposed to be sited between the main residential building and the existing detached garage and granny flat. The proposed structure is shown to serve a dual purpose of covered private open space and parking for motorcycles. The structure measures approximately 3m (wide) x 10m (long). A space equivalent to 50 per cent is allocated to parking.	No. However the location and extent of the carport do not contribute to a loss of landscaped area.
6.7	Hardstand Car Space Configuration		
	i) Prefer permeable materials in between concrete wheel strips. ii) 2.4m x 5.4m minimum dimensions	The proposed awning structure and motorcycle parking is located over existing hard stand area to the rear of the existing dual occupancy.	No change.
7	Fencing and Ancillary Development		
7.1	General – Fencing		
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials	The existing fence, to be retained, is constructed of rendered brick.	Yes.

DCP Clause	Controls	Proposal	Compliance
	iv) Avoid expansive surfaces of blank rendered masonry to street		
7.2	Front Fencing		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) light weight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: - Site faces arterial road - Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment). - avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants)) iv) 150mm allowance (above 1800mm) for stepped sites v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes. vii) Gates must not open over public land. viii) The fence must align with the front property boundary or the predominant fence setback line along the street. ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.	Existing solid fencing is proposed to be retained with minor demolition works to permit the construction of new entry from the secondary street frontage.	No change.
7.3	Side and rear fencing		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	Existing solid side boundary fence to be retained.	No change.
7.4	Outbuildings		
	i) Locate behind the front building line. ii) Locate to optimise backyard space and not over required permeable areas. iii) Except for laneway development, only	The site contains an existing outbuilding the built form of which will not be altered by the proposed	No, but no change to as constructed development. Acceptable.

DCP Clause	Controls	Proposal	Compliance
	single storey (3.6m max. height and 2.4m max. wall height) iv) Nil side and rear setbacks where: <ul style="list-style-type: none"> - finished external walls (not requiring maintenance; - no openings facing neighbours lots and - maintain adequate solar access to the neighbours dwelling 	development. The building is a maximum of 1 storey with an approximate building height of 3.71 metres (to the top of the parapet). <u>Setbacks:</u> <ul style="list-style-type: none"> • 920mm secondary street setback; • 920mm rear boundary setback; • 900mm northern boundary setback 	
7.6	Air conditioning equipment		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.	No air conditioning units are proposed as part of the application.	Not applicable.
7.7	Communications Dishes and Aerial Antennae		
	i) Max. 1 communications dish and 1 antenna per dwelling. ii) Positioned to minimise visibility from the adjoining dwellings and the public domain, and must be: <ul style="list-style-type: none"> - Located behind the front and below roof ridge; - minimum 900mm side and rear setback and - avoid loss of views or outlook amenity iii) Max. 2.7m high freestanding dishes (existing).	No communication devices are proposed as part of the application.	Not applicable.
7.8	Clothes Drying Facilities		
	i) Located behind the front alignment and not be prominently visible from the street	No clothes drying facilities are provided to support the use.	No.

3.3 Part C4 Boarding Houses

Randwick Council has an adopted DCP to regulate the design and operation of boarding houses within the Local Government Area. It is noted that where provisions of the DCP are inconsistent with the provision of SEPPARH, the SEPP is taken to prevail.

However, where the SEPP remains silent the DCP has been taken to compliment and extend the control to provide greater certainty and clarity in relation to certain matters. Table 7 provides a summary and assessment of the relevant controls.

Table 7: Summary and assessment against Part C4 Boarding Houses.

DCP Clause	Controls	Proposal	Consistency
2.1	Boarding Rooms		
(i)	Orientate to receive maximum solar access.	Development utilises existing housing stock. Approximately 50 per cent of rooms are located along the northern elevation of the dwelling. The development optimises the existing building siting and orientation.	Yes.
(ii)	Provide openings to outdoor areas to for natural light and ventilation.	All rooms have windows to provide natural light and ventilation.	Yes.
(iii)	Private open space, where provided to have a minimum area of 4m ² .	Private open space is regulated by SEPPARH.	Not applicable.
2.2	Outdoor communal open space		
(i)	Minimum of 20m ² , with a minimum dimension of 3 metres.	An area of private open space, as guided by clause 29(d)(i) of SEPPARH, is provided to the rear of the site measuring 3.2 m x 6.4 m delivering approximately 20.48m ² .	Consistent with the provisions of SEPPARH.
(ii)	Communal open space to be provided at ground or podium level and be accessible to all residents.	The area of private/common space meeting the spatial requirements of SEPPARH is provided at ground level and would be inaccessible to persons of restricted mobility due to the significant level change. The provision of furniture on the balcony may restrict maneuverability.	No.
(iii)	Locate and orientate to maximize solar access.	Proposed to be covered by shade structure, restricting potential solar access.	No. Overridden by SEPPARH. Cannot be used to refuse an application.
(iv)	Incorporate hard and soft landscaping.	It is proposed to reduce the amount of soft landscaping within the front setback to accommodate the entry ramp and waste storage facility. The additional works require the removal of two existing trees.	Yes. However, the appropriateness the works are in question.
(v)	Provide fixed elements within shared spaces, i.e. BBQ, Bench seating etc.	No details of furniture (fixed) or facilities provided on plan or the Plan of Management.	No.
(vi)	Provide partial cover for weather protection over private open space, where to do so will not unreasonably affect adjacent	Private open space to be substantially under cover. Due to the orientation of the site, adjacent land will not be	Yes.

DCP Clause	Controls	Proposal	Consistency
	properties.	unreasonably affected.	
2.3 Indoor communal living rooms			
(i)	Communal rooms of at least 20m ² or 1.2m ² per resident (whichever is greater)	<p>For a boarding house allowing up to 17 residents a maximum total of 20.4m² communal indoor living areas are required under the RDCP 2013.</p> <p>The control does not conflict with the standard set by SEPPARH, but rather seeks to compliment. In this regard the control is considered to still apply and provides a suitable means of determining adequacy.</p> <p>The development provides two (2) "communal living areas" with a total floor space of 25m², with minimum dimensions of 2.6m and 2.47m.</p> <p>As covered in Table 2, above neither space is considered to be suitably designed to meet the needs of residents due to the limited dimension of each and the capability to allow persons of mobility restriction to enter each once furniture is installed.</p> <p>It is considered that a significant improvement on amenity could be achieved if the space were consolidated into a single room and co-located with other communal areas such as the kitchen, verandah and open space.</p> <p>Neither of the current rooms are considered suitable for the intended purpose and their consistency with the definition of SEPPARH to provide for recreational purposes is questioned.</p>	No.
(ii)	Provide communal rooms with a northerly aspect where possible or optimize solar access.	Controlled by SEPPARH.	Not applicable.
2.4 Communal kitchen, bathroom and laundry facilities			
(i)	Kitchen, laundry and bathroom facilities to be easily accessible	Accessible toilet does not include a shower. No other	No.

DCP Clause	Controls	Proposal	Consistency
	for all residents.	facilities appear to offer suitable circulation. Laundry facilities also provide insufficient circulation space.	
(ii)	> 12 boarding rooms where ensuites are not proposed shall provide separated male and female bathroom facilities;	<12 boarding rooms will share bathroom facilities.	Yes.
(iii)	Communal laundry to be located to minimize noise impact on boarding rooms and neighbours	Communal laundry located within the main dwelling, separated from the outer wall by bathroom facilities, thereby ensuring the amenity of adjacent residential properties. Internal amenity may be compromised through the locating of the laundry along a common wall shared with a bedroom.	Yes. No. feasibly controlled through restricting the hours of use in the Plan of Management.
(iv)	Clothes line to be located to maximise solar access while not compromising street amenity or usability of common open space.	No clothes drying facilities provided either clothes lines or dryers.	No.
2.5 Safety and crime prevention			
(i)	Building entries and internal entries to living areas to be located so as to be visible from common spaces.	The layout of the proposed development fragments common spaces and internal living areas. Relocation of the entry to the side of the house remove clear and straight sight lines through the dwelling to former lounge rooms and the existing rear deck and proposed common open space. The fragmented space and poor layout not only affects functionality and amenity for residents, but could promote concealment.	No.
(ii)	Locate habitable living areas (lounge, kitchen dining etc) to allow general observation of the street and communal open space.	As above, internal and external living spaces are fragmented with no clear sight lines between. A 1.8 metre perimeter fence surrounds the property,	No.

DCP Clause	Controls	Proposal	Consistency
		<p>disrupting potential street views.</p> <p>A north facing living room will face the front setback and side facing room the side setback and entry.</p> <p>No passive surveillance from internal living areas is provided over external common living or private open spaces.</p>	
(ii)	<p>Separate ground level private open space from public and common areas by measures such as open fencing or low level plants.</p>	<p>Ground level private open space is located immediately adjacent to the motor cycle parking and serves as thorough fare connecting the detached outbuilding and garage to the main dwelling.</p> <p>Common areas are separated from public land by a 1.8 metre high boundary fence and gate. Fencing is solid and does not allow for casual/passive surveillance.</p>	<p>No.</p> <p>Yes.</p>
(iv)	<p>Select trees and low lying shrubs that do not interfere with sight line nor provide opportunities for concealment or entrapment.</p>	<p>No new soft landscaping is proposed to be undertaken.</p>	<p>Not applicable.</p>
2.6 Visual and acoustic amenity and privacy			
(i)	<p>Indicative locations of fixtures, facilities and appliances are to be shown for bathrooms, kitchens and laundries</p>	<p>In general the plan layouts show necessary facilities, except for the accessible bathroom, which does not detail a shower or bath.</p>	<p>Yes.</p>
(ii)	<p>Locate similar uses together to minimise noise transmission (i.e. bedrooms next to bedrooms).</p>	<p>The layout of the ground floor is poor locating bedrooms adjacent to wet areas including laundries and bathrooms.</p> <p>BR1 and BR6 have windows orientated onto communal rooms and common open space, respectively.</p> <p>BR4 and BR3 each share a common wall with common spaces including intended recreation space and the kitchen.</p>	<p>No.</p>
(iv)	<p>Provide screen fencing,</p>	<p>Screening has been provided</p>	<p>Yes.</p>

DCP Clause	Controls	Proposal	Consistency
	plantings and acoustic barriers to screen noise and reduce visual impacts.	<p>along the northern elevation of raised common spaces. While primarily intended to serve as visual privacy screening it may serve a dual purpose of baffling noise.</p> <p>The applicant has submitted house rules that restrict the use of outdoor areas and the playing of loud or audible music past 10pm. These controls exceed standard limits under the Protection of the Environment Operation (Noise) Regulations are considered sufficient given the residential nature of the use.</p>	
(v)	Locate entry to the front of the site away from adjoining properties.	Entry is proposed to be relocated to the southern side of the existing dwelling adjacent to the Barker Street boundary.	Yes.
(vi)	Locate communal areas, balconies and bedroom windows to minimise overlooking/privacy impacts	<p>Open spaces are retained in their current positions to the rear of the property. The use of outdoor spaces is restricted to 10pm on any given night thereby reducing the potential for noise impact on adjacent property.</p> <p>Most bedroom windows are existing. New windows are aligned to not look directly into windows on the adjoining residential property to the north. House rules strict the playing of loud or audible music after 10pm, which is more stringent than standard noise controls for residential areas under the Protection of the Environment Operation (Noise) Regulations</p>	Yes.
(vii)	An acoustic impact must be submitted in support of new boarding houses.	Not provided.	No.
3 Management Plan			
(i)	Plan of Management to be provided addressing:		
	(a) Criteria and process for selecting residents, preference to be given to people on low to moderate	Information not detailed in the Plan of Management (PoM). The applicant has expressed a willingness to	No, but potentially resolvable through

DCP Clause	Controls	Proposal	Consistency
	incomes.	have a condition imposed regulating the maximum rent of each room.	condition.
	(b) Detail of furnishings for rooms and common facilities (kitchen bathroom, laundry etc) and maximum room occupancy.	Generally provided except with regards to details of bathrooms (noted to be shown on plan).	Conditionable.
	(c) House rules regarding visitors, parties, use of common spaces, smoking, alcohol and drug use.	Included on pages 8- 9, section 6 of submitted PoM.	Yes.
	(d) Professional cleaning and vermin control arrangements for at a minimum the shared facilities.	Detail in Section 8 on pages 11 and 12 of submitted PoM. All internal common spaces to be cleaned at least once a week.	Yes.
	(e) Public notices required to be placed on site for the public and residents.	Section 10 specifies "internal signage". There is no provision for the erection of external signage providing contact details of the site manager.	No. Conditionable.
(ii)	Manager to maintain an up to date accommodation register with information on residents details, length of stay, etc and provide to Council officers on request.	Not detailed in the application.	Conditionable.

5 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The provisions of the relevant environmental planning instruments are addressed in proceeding sections of this report.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no draft instruments relevant to the assessment of the subject application.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The relevant considerations of the adopted Development Control plan have been considered.
Section 79C(1)(a)(iii) – Provisions of any Planning Agreement or draft Planning Agreement	The development is not subject to a planning agreement or draft planning agreement.
Section 79C(1)(a)(iv) – Provisions of the regulations	The development has been commenced without consent, resulting in unauthorised construction works being undertaken that have not been properly documented within the application or the subject of a separate building certificate process.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
	<p>Under the provisions of the regulations, retrospective consent cannot be granted to development nor can a construction certificate be issued.</p> <p>As such the application as submitted cannot be lawfully approved.</p>
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this compliance assessment, are discussed in the paragraphs below or the covering assessment report.</p> <p>The proposed development is consistent with the prevailing residential character in the locality. The proposal would not result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

CP108/14

6 Referral Comments

4.1 Development Engineer

An application has been received for the change of use of the existing dwelling house and out building to a boarding house including associated alterations and additions to the building and a new disabled ramp at the above site.

This report is based on the following plans and documentation:

- *Architectural Plans by New Era Design dated June 2014;*
- *Statement of Environmental Effects by Willana & Associates stamped by Council 18th August 2014.*

Flooding Comments

The Council commissioned and adopted Kensington/Centennial Park flood study predicts flooding at the rear of the property within the adjacent Council drainage reserve with floodwaters also likely [to] enter the property during significant storm events.

As the development proposal is contained within the existing building footprint (i.e. no additional floor area proposed) Development Engineering will not require the raising of any floor levels.

However, it is recommended that the new door on the eastern wall of the outbuilding fronting the drainage reserve be deleted since it could be a new path for floodwaters to enter the outbuilding. In addition all new electrical outlets within the outbuilding will be required to be minimum of 0.8m above the existing floor level to minimize the risk to occupants if indeed flooding occurs.

It is also recommended that the Plan of Management include provisions for evacuation during major flooding events.

Appropriate conditions have been included in this report.

Parking Comments

The Affordable Housing SEPP states in regulation 29(2)(e) that consent authorities must not refuse consent to development on the grounds if:

- (i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) in the case of development not in an accessible area-at least 0.4 parking spaces are provided for each boarding room, and*
- (iii) in the case of any development-not more than 1 parking space is provided for each person employed in connection with the development.*

According to the SEPP "accessible area" includes land that is within:

- *400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

The site is located within 400m of bus stops on Anzac Parade which has regular and frequent services to the city and other destinations. The site is therefore considered to lie within an accessible area. It is also noted that a manager will not be resident on the site which is acceptable considering the number of boarding rooms is less than 20.

*Vehicle Parking Required = 11 x 0.2 = 2.2
= say 2 spaces*

Vehicle Parking Provided = 2 spaces (complies)

The Affordable Housing SEPP also states in regulation 30(h) that consent authorities must not consent to development unless at least one parking space is provided for a bicycle and one for a motorcycle for every 5 boarding rooms.

As the number of boarding rooms is 11 this will require the provision of 2 bicycle and 2 motorbike spaces.

The submitted plans demonstrate compliance with this requirement. No objections are raised on parking.

N.B. Conditions were provided in the event the application was recommended for approval.

4.2 Building Surveyor

Proposed Development:

Alteration and additions and change of use to the existing 2 storey dwelling and the detached outbuilding to a place of shared accommodation.

The existing 2 storey dwelling is proposed to be used as a Class 3 place of shared accommodation while the detached outbuilding (which previously had approval as a dual occupancy) is to be used as a Class 1b place of shared accommodation.

Comments:

This matter came to my attention as a result of a complaint in relation to the use of the detached outbuilding (originally approved as a garage and then changed the northern part to a dual occupancy) and an inspection revealed that the southern part had been converted to 6 separate rooms for use as a place of shared accommodation.

The inspection also revealed that internal building works were also underway to the existing 2 storey dwelling and a stop work was served on the workmen on site.

Two (2) Notices of Intention were sent to the owner (Ms W Wu) in relation to the following;

- Cease the use of the southern part of the detached outbuilding as a place of shared accommodation and the demolition of the unauthorised internal partitions.*
- Cease the unauthorised building works to the inside of the existing dwelling.*

The owner eventually ceased the use of the southern part of the detached outbuilding as a place of shared accommodation and demolished the unauthorised internal walls which complied with the requirements of the Notice.

The owner also engaged a planning consultant to submit the Development Application for the internal alterations and additions to the existing dwelling which also included a BCA report from Certified Building Specialists.

The BCA report advised of the numerous issues that require attention prior to the issue of a Construction Certificate.

N.B. Conditions were provided in the event the application was recommended for approval.

7 RECOMMENDATION

Based on the above information, it is recommended that the application be refused in its current form due to the extent of unauthorised building work that has been undertaken and is not clearly articulated or documented within the submitted plans or accompanying information.

Furthermore, the intensity of the proposed development is not considered suitable for the subject site reflected in the poor layout of both internal and external spaces that are likely to compromise the functionality and utility of space contributing to an adverse residential amenity for future occupants.

The grounds for refusal are outlined in Section 8 below.

8 REASONS FOR REFUSAL

1. Retrospective consent for physical commencement of construction works cannot be issued pursuant to section 109F of the Environmental Planning and Assessment Act 1979.
2. The proposed development does not demonstrate consistency with the Disability Discrimination Act 1992 access to premises standards embodied with the Building Code of Australia. In particular the development fails to provide equitable access to all common facilities of the site both internal and external to the buildings.
3. The application is not supported by an appropriate BASIX Certificate and therefore does not satisfy the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
4. The proposed development is contrary to a number of standards prescribed within State Environmental Planning Policy (Affordable Rental Housing) 2009. In particular, the application does not provide an acceptable or adequate communal living room, kitchen

- or laundry facilities. The cumulative effective of the variation is considered to impact on the residential amenity of the development.
5. The proposed development is contrary to section 2.4 Landscaping and Permeable surfaces of Part C1 Low Density Development, resulting in a reduction of onsite landscaping below Council's recommended minimum of 30 per cent of the site. The reduction occurs within the front setback of the property and is considered to be inconsistent with clause 29(2)(b) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
 6. The proposed development is contrary to clause 5.9 Preservation of Trees, of Randwick Local Environmental Plan 2012 and the provisions of Part B5 of the Randwick Development Control Plan 2013. In particular, the proposal seeks the removal and of two (2) trees without compensatory plantings to replenish the urban forest and the transplantation of another tree, without sufficient evidence to support the health and vitality of the tree by way of suitable arborist report.
 7. The proposed development is contrary to the waste management requirements prescribed within Part B6 of Randwick Development Control Plan 2013. In particular, the proposed development locates waste storage and management areas forward of the building line.
 8. The proposed development is contrary to section 5.5 Safety and Security of Part C1 Low Density Residential of the Randwick Development Control Plan 2013. In particular the modified design and layout of the boarding house does not reflect the principles of Crime Prevention through Environmental design in respect of the following:
 - a. Relocation of the primary point of entry to the side elevation of the dwelling, reducing legibility of the site and promoting concealment; and
 - b. The fragmentation of active spaces throughout the dwelling disrupts sightlines and promotes concealment.
 9. The proposed development does not comply with section 2.2 Outdoor communal open space or section 2.3 indoor communal open space of Part C4 Boarding Houses of the Randwick Development Control Plan 2013. In particular, the proposed communal facilities are considered inadequate to meet the demand or intended function due to the limited linear dimensions and fragmented layout. The design of communal spaces is also inadequate to permit universal access to mobility impaired persons.
 10. The identified non-compliances with both Council's Development Controls and the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 are symptomatic of an overdevelopment of the site. In particular this is seen in the inadequacy of communal facilities, the reduction in landscaped area to facilitate the poor location of waste servicing. In this regard the development in its current form is not considered suitable for the site.
 11. In view of the above, approval of the application would not be in the public interest.

Development Application Compliance Report



Folder /DA No:	DA/556/2014
PROPERTY:	5 Inman Street, MAROUBRA
Proposal:	Alterations and additions to the existing dual occupancy house including the conversion of the existing garage roof into a trafficable terrace
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. Randwick LEP 2012

The subject site is zoned R2 under Randwick LEP 2012. The proposal development is classified as alterations and additions to an existing dual occupancy and is permissible in the zone. The zoning objectives are addressed as follows:

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.5:1	0.49:1	Yes
Height of Building (Maximum)	9.5m	5.7m	Yes

2. Randwick Comprehensive DCP

C1 Table: Low Density Residential

Randwick Development Control Plan

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2.3	Site coverage		
	451 to 600 sqm = 50%	Site = 537m ² Proposed = 46%	Yes
2.4	Landscaping and permeable surfaces		

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DCP Clause	Controls	Proposal	Compliance
	i) 451 to 600 sqm = 30% ii) Deep soil minimum width 900mm. iii) Maximise permeable surfaces to front iv) Retain existing or replace mature native trees v) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. vi) Locating paved areas, underground services away from root zones.	Site = 537m ² Proposed = 34%	Yes
2.5	Private open space (POS)		
	Dual Occupancies (Attached and Detached) POS		
	451 to 600 sqm = 5m x 5m each 601sqm or above = 6m x 6m each ii) POS satisfy the following criteria: <ul style="list-style-type: none"> • Situated at ground level (except for duplex) • No open space on podiums or roofs • Adjacent to the living room • Oriented to maximise solar access • Located to the rear behind dwelling • Has minimal change in gradient 	Site = 537m ² Proposed = 11m x 14m which is to the existing shared rear garden.	Yes
3	Building envelope		
3.1	Floor space ratio LEP 2012 =	Site area = 537m ² Proposed FSR = 0.49:1	Yes
3.2	Building height		
	Maximum overall height LEP 2012 =	Proposed = 5.7m to new portion of building	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Proposed = 5.3m	Yes
3.3	Setbacks		
3.3.1	Front setbacks	No change to existing front setback of building	N/A
	i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front		
3.3.2	Side setbacks: Dwellings:	Minimum = 900mm Proposed = 1420mm	Yes

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	and 1630mm as existing	
3.3.3	<p>Rear setbacks</p> <ul style="list-style-type: none"> i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access 	Minimum = 8m Proposed = 14.6m. It is noted that the rear setback is consistent with that of the adjoining dwelling at No.3 Inman Street.	Yes
4	Building design		
4.4	Roof Design and Features		
	<ul style="list-style-type: none"> i) Rooftop terraces on dwelling (not roof) ii) Roof terraces above garages (low side) <p>Dormers</p> <ul style="list-style-type: none"> iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. v) Multiple dormers consistent vi) Suitable for existing <ul style="list-style-type: none"> • Celestial windows and skylights vii) Sympathetic to design of dwelling Mechanical equipment viii) Contained within roof form and not visible from street and surrounding properties. 	The new terrace utilizes the existing garage roof.	Yes
4.5	Colours, Materials and Finishes		
	<ul style="list-style-type: none"> i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.) 	To be conditioned.	Yes

DCP Clause	Controls	Proposal	Compliance
4.6	Earthworks		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	The extent of earthworks satisfies the DCP controls.	Yes
5	Amenity		
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	The addition to the rear of the dwelling allows for ample opportunity for light and ventilation throughout the dwelling.	Yes
5.3	Visual Privacy		
	Windows		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	There are no issues in relation to privacy to the property to the north as the only new window in the northern elevation is a high light style window to the living room. To the southern side elevation there are new windows to the bedroom, bathroom, kitchen and living room. It is not considered that these windows will impact	Yes

DCP Clause	Controls	Proposal	Compliance
		upon privacy to the adjoining property because of the low use rooms they serve. The window to the living room is a high light style window.	
	Balcony		
	<ul style="list-style-type: none"> i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces. 	As noted above the proposal includes the utilization of the existing garage roof as a trafficable roof terrace.	See Key Issues in the report to Council
5.6	View Sharing		
	<ul style="list-style-type: none"> i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used) 	Any balustrade to the roof terrace will partially block the view from the adjoining property.	It is recommended that the roof terrace be deleted.
7	Fencing and Ancillary Development		
7.6	Air conditioning equipment		
	<ul style="list-style-type: none"> i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings. 	The new air conditioning unit is located to the northern side of the dwelling and will not be directly visible from the street. The air conditioning unit is directly opposite windows in the	Yes, subject to condition.

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DCP Clause	Controls	Proposal	Compliance
		adjoining dwelling. A condition of consent is included to require the air conditioning unit to be located a further 2m down the side of the dwelling.	
8	Area Specific Controls		
8.3	Foreshore Scenic Protection Area		
	<ul style="list-style-type: none"> i) Consider visual presentation to the surrounding public domain, including streets, lanes, parks, reserves, foreshore walkways and coastal areas. All elevations visible from the public domain must be articulated. ii) Integrated outbuildings and ancillary structures with the dwelling design (coherent architecture). iii) Colour scheme complement natural elements in the coastal areas (light toned neutral hues). iv) Must not use high reflective glass v) Use durable materials suited to coast vi) Use appropriate plant species vii) Provide deep soil areas around buildings viii) Screen coping, swimming and spa pools from view from the public domain. ix) Integrate rock outcrops, shelves and large boulders into the landscape design x) Any retaining walls within the foreshore area (that is, encroaching upon the Foreshore Building Line) must be constructed or clad with sandstone. 	The existing locality contains a wide variety of building forms, including older some what run down buildings and new contemporary buildings. The proposed development to the existing building will not detract from the aesthetics of the area and a condition of consent in relation to the external colour and materials schedule is included to ensure the compatibility of the materials and colour scheme.	Yes

3. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>Randwick Local Environmental Plan 2012</p> <p>The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent. See table below for compliance with development standards.</p> <p>The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.</p>

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table below.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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4. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council’s approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
43/14A Sheets 1 & 2	Peter Banfield	20/10/14	23/10/14

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A196553	11/8/14	15/8/14

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) The air conditioning unit to the northern side of the dwelling is to be sited a further 2m towards the rear of the dwelling so as not to be directly opposite windows of the adjoining dwelling.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

External Colours, Materials & Finishes

4. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$ 250 000 the following applicable monetary levy must be paid to Council: \$ 2 500.00.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

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CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Long Service Levy Payments

6. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

Sydney Water

7. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

8. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

BASIX Requirements

9. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the

requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

Stormwater Drainage

10. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
 - d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
 - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Certification, PCA & other Requirements

11. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

Home Building Act 1989

12. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

Construction Site Management Plan

13. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

14. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must include the following information (as applicable):

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- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

Public Utilities

15. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

16. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Site Signage

17. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
- name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

18. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

19. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant EPA Guidelines
- Randwick City Council Asbestos Policy

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

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Removal of Asbestos Materials

20. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Sediment & Erosion Control

21. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

Public Safety & Site Management

22. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

23. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
24. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*,

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Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

25. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

BASIX Requirements

26. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Use of premises

27. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

External Lighting

28. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue

notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
 - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in

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relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A10 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
 - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.

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Development Application Compliance Report



Folder /DA No:	DA/665/2014
PROPERTY:	59-61 St Marks Road, RANDWICK NSW 2031
Proposal:	Conversion of the existing Strata title lot into Torrens title lots (variation to lot size)(Heritage Conservation Area)
Recommendation:	Approval/Refusal/Deferral/Deferred Commencement Approval

Relevant Environment Planning Instruments:

1. Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick (REL) 2012. The proposal development is classified as a pair of semi detached dwellings and permissible in the zone. The relevant zoning objectives are addressed as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
- To protect the amenity of residents.
- To encourage housing affordability.

The subject site is occupied by a pair of symmetrical semi detached dwellings, the subject proposal is for the conversion of the existing Strata title lot approved by council in 1979 (under SC/3/1979) into two Torrens title lots. No building works are proposed.

As shown in the table below the proposed subdivision does not comply with the minimum allotment size standard required under Clause 4.1(3) of the RLEP 2012. The applicant has submitted documentation under Clause 4.6 of the RLEP 2012 seeking an exception to the minimum lot size standards. These are addressed in more detail in the Council executive report. Notwithstanding, it is briefly noted here that while the shortfalls are significant it is considered that the proposed development is supportable in the circumstances of the case, having regard to the long standing nature of the semi detached dwellings, and the subdivision pattern of semi detached dwellings within the locality.

A search of Councils database reveals no digital records of an application for the semi detached dwellings and hence it is likely that they were constructed circa prior to the early 1930's, the accompanying SEEE states that the pair of semi detached dwellings were erected in the 1920's. The semi detached dwellings are strata subdivided and are individually owned (being lots 1-2 in SP16488). It is also noted no works are proposed to the long standing configuration and layout of the two semi detached dwellings and the subdivision would therefore have no material impact on neighbouring properties, heritage value of the St Mark's heritage conservation area or the streetscape character.

Overall, the proposal is considered to be consistent with the general aims of RLEP 2012 and the specific objectives of the zone in that the proposed activity and built form is not being altered and the proposed development will maintain its historical presentation to the

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streetscape.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	Lot 1 (No. 59 St Marks Road): Merit Assessment Lot 2(No. 61 St Marks Road):: Merit Assessment	Lot 1: 0.5:1 Lot 2: 0.52:1	Yes for both lots
Lot Size (Minimum)	400m ²	Lot 1: 208.2m ² Lot 2: 205.3m ²	No*

* See Council executive report summary addressing the exception to development standard submitted under Clause 4.6 of the RLEP 2012.

2. Randwick Comprehensive DCP

- C1 Table: Low Density Residential

Randwick Development Control Plan

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2 Low Density Residential	Complies
2	Site planning		
2.1	Minimum lot size and frontage		
	Minimum lot size (RLEP): • R2 = 400sqm	Lot 1: 208.2m ² Lot 2: 205.3m ²	No see Council report.
	Minimum frontage		
	i) Min frontage R2 = 12m ii) Minimum frontage for attached dual occupancy in R2 = 15m	Existing = 13.34m	No see Council report.
2.3	Site coverage		
	Up to 300 sqm = 60%	Proposed = Lot 1: 50% Lot 2: 50%	Complies
2.4	Landscaping and permeable surfaces		
	i) Up to 300 sqm = 20% ii) Deep soil minimum width 900mm. iii) Maximise permeable surfaces to front iv) Retain existing or replace mature native trees v) Minimum 1 canopy tree (8m)	Proposed = Lot 1: 22.2% Lot 2: 22.9%	Complies

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DCP Clause	Controls	Proposal	Compliance
	mature). Smaller (4m mature) If site restrictions apply. vi) Locating paved areas, underground services away from root zones.		
2.5	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Proposed = Lot 1: 4.95m x 6.57m Lot 2: 4.95m x 6.77m	The minor non compliance with the numerical control is considered acceptable as the two semi-detached dwellings do not propose any changes to built form or landscape area from what is existing on site.
3	Building envelope		
3.1	Floor space ratio LEP 2012 =	Lot 1: 0.5:1 Lot 2: 0.52:1	The FSR having regard semi-detached dwellings on these sites are considered suitable and consistent with the objectives of the zone and with the surrounding developments.
3.2	Building height		
	Maximum overall height LEP 2012 =	Single Storey Semi-detached dwelling, No Change	Complies
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	As above	Complies
3.3	Setbacks		
3.3.1	Front setbacks i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage:	Consistent with prevailing front setbacks	Complies

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front 		
3.3.2	<p>Side setbacks: Semi-Detached Dwellings:</p> <ul style="list-style-type: none"> • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all levels • 	<p>Lot 1:1.725m Lot 2:1.665m</p>	Complies
3.3.3	<p>Rear setbacks</p> <ul style="list-style-type: none"> i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP. iv) For irregularly shaped lots = merit assessment on basis of:- <ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts 	<p>Minimum = 7.75m Lot 1:4.95m Lot 2:3.8m</p>	<p>The proposal does not comply with the minimum rear setback as per the RDCP 2013, it is noted that there is no predominant rear setback in the immediate vicinity. The proposal does not include any changes to the built form, site coverage or landscaped area and as such the non compliance is considered acceptable in that it will not result in any adverse impacts on the adjoining properties. The proposal is considered to meet the relevant objectives of the RDCP 2013.</p>
5	Amenity		
	Comment: There are no proposed changes to the existing dwellings and therefore there will be no amenity impact on neighbouring sites as a result of the subdivision.		
6	Car Parking and Access		

DCP Clause	Controls	Proposal	Compliance
6.1	Location of Parking Facilities:		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)	Neither site provides any off street car parking. It is noted that the subject site is within 250m from several bus stops and the surround streets provide adequate on-street car parking for the occupants.	Complies
7	Fencing and Ancillary Development		
7.3	Side and rear fencing		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	Existing side boundary fencing between the two dwellings.	Complies

3. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>Randwick Local Environmental Plan 2012</p> <p>The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent.</p> <p>The proposed development remains consistent with the specific objectives of the zone in that the proposed activity and built form will not change as a result of the Torrens title subdivision.</p> <p>The proposal also maintains the housing needs of the community whilst maintaining the aesthetic character of the area and protecting the amenity of the local residents.</p>

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	None applicable
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table above and key issues section in executive summary report
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	None applicable
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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4. Referral Comments

The proposal was referred to council's heritage planner and development engineer, the following comments were made in regards to this application.

4.1 Development Engineer

An application has been received for conversion of the existing Strata title lot into Torrens title lots (variation to lot size) (Heritage Conservation Area).

This report is based on the following plans and documentation:

- Draft Subdivision Plans by Lynton Surveys stamped by Council 25th September 2014
- Statement of Environmental Effects stamped by Council 25th September 2014

Strata Scheme Comments

The assessing officer is advised that there is an existing strata scheme operating on the site under SP 16488. Under Part 3 Sec 51A(4) of the Strata Schemes (Freehold Development) Act 1973 termination of the strata scheme requires Council Consent. An application form (Form 15ST) is required to be obtained from Land Property Information NSW and submitted to Council for endorsement together with the formal application for a subdivision certificate. An appropriate condition has been included in this report.

Parking Comments

There is currently no off-street parking provided for the site. Subdividing the property along existing strata boundaries will not create any additional parking impacts. No objections are raised.

Minimum Lot size Comments

The creation of lots below the minimum lot size is not expected to create any unacceptable engineering impacts in this instance. No objections are raised.

4.2 Heritage Planner

The Site

The subject site is located on the eastern side of St Marks Road in Randwick, on a rectangular lot adjacent to a three storey apartment building to the south and an Inter-War group of semi-detached dwellings at 55-57 St Marks Road.

It contains a single storey Inter-War building consisting of semi-detached brick dwellings that have been erected in the 1920s. Although being occupied by two separate dwellings, the view from the street is of a single residence. It is understood that the subject site has always been occupied in this manner since its construction in the 1920s.

The building features a tiled roof and rendered walls. It includes typical Californian Bungalow detailing such as a street facing gable screen with ventilator, veranda (which has been enclosed) and asymmetrical facade.

The site boundaries are defined by a rendered dwarf brick wall with rail and a fence. A number of plants screen the main street elevation from the street. The only site access is from St Marks Road.

With the exception of the contemporary residential development at 63-65 St Marks Road, the eastern side of the street is dominated by Inter-War dwellings, while the western side is occupied by Post-War residential apartments but also Inter-War and Victorian dwellings.

Heritage Status and Significance

The subject site is not listed a heritage item but it is located within *St Mark's* Heritage Conservation Area listed on Part 2 of Schedule 5 of the Randwick Local Environmental Plan 2012 (C18). It is also located in close proximity of two local heritage items, *Group of Italianate Houses* at 48-66 St Marks Road (I442) and *Victorian Residence* at 37-39 Rae Street (I436). The subject dwelling makes a positive contribution to its immediate streetscape and the Heritage Conservation Area as a representative of the Inter-War historical development.

The Proposal

The proposal is for the conversion of the existing Strata Scheme (two lots) into a two lot Torrens Title subdivision. No building works or alterations are proposed to the existing semi-detached dwellings and no change of use is part of this proposed development application.

Background

No historical Development Application research has been carried out or considered necessary for the subject Development Application.

Submission

The documentation provided by the Council for this application included a Statement of Environmental Effects (SEE) prepared by G. Vincent, quantity survey drawing by Lynton Surveys Pty Ltd, Subdivision Plan 260868 dated 1978 and Strata Plan 16488 dated 1981.

Comments

The proposed development application is assessed for its impact on the St Mark's Heritage Conservation Area and heritage items in close proximity.

The subject building, although it has been modified, is considered to be a contributory item to the St Mark's Heritage Conservation due to its period of construction and facade detailing that makes it clearly recognisable as an Inter-War Californian Bungalow.

It is noted that the proposed Torrens Title subdivision will not alter existing use or occupation of the subject residences. The SEE states that, since their construction in 1920s, the site has been occupied by two semi-detached dwellings with different accesses from St Marks Road and was designed with this purpose. As such, the proposed change will only affect the cadastral denomination of the property with no visible effect on the streetscape, character, use and fabric of the property.

In addition, the SEE dates the present strata title subdivision from 1979, being a relatively recent cadastral modification. No evidence has been provided for the prior title before conversion to Strata Title in the form of historical plans, and it would be beneficial for this information to be provided.

However, it is noted that the St Marks Heritage Conservation Area states the following in regards to subdivision:

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

Subdivision *Varied subdivision pattern including larger and smaller lots.*

As the varying subdivision of the St Marks Heritage Conservation area is noted, changes to the cadastral subdivision of the property will not have a detrimental impact on the area's heritage significance and character. It will not affect in any way the fabric and streetscape of the subject dwelling. Given the Heritage Conservation Area already features varied subdivision; it is further considered that the proposed subdivision will not impact the heritage significance of the St Marks HCA.

Conclusions and Recommendation

The proposed development for the reasons explained above is **supported** in relation to the heritage matters.

5. DEVELOPMENT CONSENT CONDITIONS**GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Annexure 'A'	S.J.Dixon Surveyors PTY LTD	Undated	30/10/2014

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing a 'Subdivision certificate'.

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

General

2. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
3. A formal application for a subdivision certificate is required to be submitted to and approved by the Council and all relevant conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.

Termination of Strata Scheme

4. The existing strata scheme operating on the site under SP 16488 shall be terminated. In accordance with Part 3 Sec 51A(4) of the Strata Schemes (Freehold Development) Act 1973 termination of the strata scheme requires the consent of the Council. An application form (Form 15ST) must be obtained from Land Property Information NSW and submitted to Council for endorsement together with the formal application for a subdivision certificate.

Sydney Water

5. A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to the issuing of a *Subdivision Certificate*.

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Development Application Compliance Report



Folder /DA No:	DA/536/2014
PROPERTY:	2 Virginia Street, KENSINGTON NSW 2033
Proposal:	Alterations and rear ground and first floor additions to the existing building for use as a child care centre accommodating 53 children, 3 on site parking spaces, new cantilevered awning over Virginia and Baker Street frontages, alterations of existing garage and changes to fence on Baker Street boundary and new acoustic screen along south western side boundary (Heritage Conservation Area)
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. State Environmental Planning Policies (SEPPs)

The site has a long history of residential use and has not been identified as including any contaminated land or having sustained any previous uses which may have resulted in contamination.

2. Randwick LEP 2012

The subject site is zoned R2 low density residential under Randwick LEP 2012. The proposal development is classified as a dwelling house to be used for the purposes as a child care centre and is permissible in the zone. The relevant zoning objectives are addressed as follows:

- To enable other land uses that provides facilities or services to meet the day to day needs of residents.
- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
- To protect the amenity of residents.

The R2 – Low Density Residential zone objectives in the Randwick LEP 2012 are considered to have been satisfactorily addressed in so far as the proposed use as a child care centre is a use that meets the day to day needs of residents, the proposed works are minor and will not detract from the streetscape character and the amenity of residents have been suitably protected having particular regard to the potential impact from noise, parking and general amenity.

In particular, the proposed child care centre is appropriately located on a corner allotment which will reduce potential for adverse amenity impacts on neighbouring properties and is not considered to pose any health or safety risks to children. The child care facility, subject to conditions will not unreasonably affect residents with respect to noise, loss of privacy, traffic generation and on street parking and will provide a facility for the local community where there is a demand for child care centres.

Overall, the land use is considered to be able to cater for the number of children proposed and through proper management and operation of the centre; the site is considered suitable for the proposed development subject to conditions.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.5:1	0.53:1	No see Key issues section in Council executive report
Height of Building (Maximum)	9.5m	7.8m	Yes
Heritage Conservation	Objectives (a) to conserve the environmental heritage of Randwick, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The application has been assessed by Councils Heritage Planner whose recommendation is for approval subject to conditions.	Yes

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3. Randwick Comprehensive Development Control Plan (DCP)

Part B2 Heritage – West Kensington Heritage Conservation area (WKHCA)

See Heritage planner’s comments under section

Part B7 Transport, Traffic, Parking and Access

B7	Transport, Traffic, Parking and Access		
3.	Parking & Service Delivery Requirements		
	Car parking requirements: <ul style="list-style-type: none"> 1space per 2 staff: 7 staff require 4 spaces 1 space per 8 children: 53 children require 7 spaces 	3 spaces provided for staff and 6 on-street spaces for drop off and pick up	One short for each component. Does not comply. See Council executive summary report and relevant sections of this report.
4.	Bicycles		
	1 bike space per 10 spaces : one space required	3 bicycle spaces	Yes

See also the following sections of this report:

- Part D3 table Section 5 and
- Section 5 Technical Officers comments: Development Engineering comments.

Part C1 Low Density Residential

3.1 C1 Table: Low Density Residential

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	Permissible
2	Site planning		
2.1	Lot size and frontage		
		689sqm, 15.24m	
2.3	Site coverage		
	601 sqm or above = 45%	Proposed = 34%	Yes
2.4	Landscaping and permeable surfaces		
	i) 601 sqm or above = 35% ii) Deep soil minimum width 900mm. iii) Maximise permeable surfaces to front iv) Retain existing or replace mature native trees v) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. vi) Locating paved areas, underground services away from root zones.	Proposed = approximately 39% Permeable areas provided on site. Several trees are also provided.	Yes
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.5:1	0.539:1	No see executive summary report
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Existing = 7.81m Proposed is well below	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) iii) Merit assessment if exceeded	Proposed = 4.92m	Yes
3.3	Setbacks		
3.3.1	Front setbacks		
	i) Corner allotments: Secondary street frontage: 1500mm for all other sites	Proposed = North-western side boundary (Barker Street which is identified as the secondary street frontage -):Ground and first floor level are setback a minimum of 1970mm from the secondary street frontage (north western side of the site)	Yes
3.3.2	Side setbacks:	Proposed = South-	No for ground

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DCP Clause	Controls	Proposal	Compliance
	Dwellings: <ul style="list-style-type: none"> • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. 	eastern side boundary shared with No. 4 Virginia Street: Ground level is setback 905mm and first floor level is setback 2005mm	level, however there are no objections in so far as the existing ground level is similarly setback from this side boundary.
3.3.3	Rear setbacks <ol style="list-style-type: none"> i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP. 	8m required proposed provides >23m See above Existing outbuilding	Yes Yes Yes
4	Building design		
4.1	General		
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design 	The proposed development is considered to be well designed having regard to the streetscape amenity	Yes
4.5	Colours, Materials and Finishes		
	<ol style="list-style-type: none"> i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.) 	As per heritage planners comments.	Yes

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DCP Clause	Controls	Proposal	Compliance
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.		Yes
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	An analysis of shadow plans clearly show the proposed development will not result in less than three hours of solar access being retained by the north western elevation of No. 4 Virginia Street. Further it is noted that the proposed extension on the south eastern elevation is well below the permitted 7m maximum and setback further from the side boundary than the 1200mm minimum control under the DCP.	Yes
5.3	Visual Privacy		
	Windows		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the		Yes

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DCP Clause	Controls	Proposal	Compliance
	following measures: - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)		
	Balcony		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	First floor balcony play area: Acoustic and visual privacy wall along the south-eastern elevation and a 1.6m high privacy screen returning 4.6m along the north-eastern rear elevation achieves privacy objectives.	See comments under Clause 4.1 of Part D3 and key issues section of Council executive summary report relating to Play areas and the protection of visual and acoustic amenity of neighbouring properties.
5.6	View Sharing		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	No significant views will likely be lost as a result of the proposed development which is generally considered to be of an appropriate density and scale within the context of the site and the surrounding area.	Yes
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary	Existing garage with minor modifications to	Yes

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DCP Clause	Controls	Proposal	Compliance
	iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.		

Part D3 Table: Child Care Centres

The Randwick Comprehensive Development Control Plan (DCP) provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	Yes
2	SITE SELECTION		
	i) DAs are to address the suitability and context of the proposal including: <ul style="list-style-type: none"> ▪ Proposed size, number of children and age breakdown for the centre. ▪ The number of staff to be employed. ▪ Proposed hours of operation. ▪ Nature of the location and surrounding development (including proximity to residential, business, industrial uses and sex services premises etc.). ▪ Likely effect of the development on surrounding properties (e.g. privacy, noise, solar access, views and the means to offset these effects). ▪ Likely effect of the development on the road network in the surrounding area including traffic and on street parking availability. ▪ Availability of on-site vehicular access and parking. ▪ Proximity to public transport. ▪ Proximity to existing community and children’s services. ▪ Demonstrated demand for the service and identification of any special needs the centre will address. 	The site is a corner allotment which is a suitable location for a child care centre. The number of staff members is 7 which is appropriate for 53 children. The proposed hours are from 7.00am to 6:00pm weekdays. Potential impacts of noise, parking and traffic have been investigated by Council’s technical officers. The proposed use and intensity can be reasonably accommodated within the residential area, subject to suitable conditions to protect surrounding amenity.	i) The site is suitable for this development subject to conditions. Refer to Executive Summary under Key Issues - Visual and Acoustic Privacy, and Traffic.
	ii) Where a child care centre is proposed within 300 metres of a mobile phone tower, base station, transmission	ii) There is no mobile phone tower, base	ii) Yes

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DCP Clause	Controls	Proposal	Compliance
	line easement or other source of potentially significant electromagnetic radiation, a report by a suitably qualified consultant must be submitted with the DA, assessing the potential exposure impact on the centre and its occupants.	station, transmission line easement or other source of potentially significant electromagnetic radiation within 300mm of the child care centre.	
3	BUILDING DESIGN		
3.1	Built form, Scale and character		
	<p>i) For new child care centres or extensions proposed in the R2 Low Density Residential zone, the building design is to be similar to a dwelling house in terms of built form, scale, massing, roof design and articulation. Single storey buildings are encouraged for safety and access reasons.</p> <p>iv) Architectural elements which articulate the front and other facades visible from the street frontage must be incorporated into the overall building design to create visual interest.</p> <p>v) Avoid large expanses of blank and unarticulated walls.</p>	<p>The proposed alterations and additions are generally in accordance with the control requirements of the R2 Low Density Residential zone in that proposal will maintain a built form, scale and character that will contribute positively to the established character of the streetscape and locality.</p> <p>It is noted that some designs elements have been amended such as replacing the glass balustrading with timber material for the balustrades in order to more readily provide materials that are consistent with the decorative elements exhibited within the WKHCA. Councils Heritage Planner considers that the proposed development is generally acceptable having regard to the significance of the heritage conservation area and raises no further objections to the development subject to conditions.</p> <p>Overall, the proposal maintains a form that is consistent with the existing form as well as permissible forms of development in the</p>	<p>Refer to Executive summary under Bulk, Scale and Streetscape.</p>

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DCP Clause	Controls	Proposal	Compliance
		locality. The nature of proposed works is relatively minor and will not detract from the form or decorative elements contained in surrounding dwellings in the surrounding street network.	
3.2	Setbacks		
	<p>i) New child care centre developments or extensions must address the setback controls for dwelling houses set out in Part C, Section C3 of this DCP or demonstrate that alternative setbacks are suitable, having regard to:</p> <ul style="list-style-type: none"> ▪ The zoning for the site and alternative setback controls in this DCP; or ▪ The site location and prevailing setbacks of surrounding properties. <p>ii) Increased setbacks may be required in certain circumstances having regard to privacy, solar access, to achieve reasonable view sharing with neighbouring properties and/or to provide the required amount of space for outdoor play areas.</p>	<p>i) The proposed front and side setbacks generally comply with the setback controls for dwelling houses set out in Part C, Section C3 of the DCP. The proposed rear addition from the south eastern side boundary opposite No. 4 Virginia Street is only 905mm from this side boundary at ground level and 2.005m at first floor level. Note: For the purposes of floor area the 1st floor outdoor play area is considered to be a storey as it has enclosing walls higher than 1.4m above its level.</p> <p>ii) A 2.005m setback is provided for the first floor level from the south eastern side boundary which is greater than the 1200mm required under the Part C1 of the DCP. The proposed setbacks are generally considered acceptable and will not result in unacceptable impacts in relation to solar access, or view loss and will essential serve to improve visual and acoustic privacy. Adequate play areas have been provided to cater for children.</p>	<p>i) South eastern side setback of the ground level additions does not meet the 1200mm control. See discussion in Part C1 Table: Low Density Residential.</p> <p>ii) Yes</p>

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DCP Clause	Controls	Proposal	Compliance
	iii) The front setback area may only be used for access, car parking and landscaping purposes and not for the purposes of outdoor play areas and the like.	iii) No front setback. Secondary front setback of 1970mm is provided.	iii) Yes.
3.3	Building Material and Colours		
	<p>Controls</p> <p>i) For child care centres proposed in residential zones, the selection of building materials, finishes and colours must have regard to the relevant controls set out in Part C, Section C3 of this DCP.</p>	<p>The colours and building materials selected are of durable and non-reflective finishes. Councils Heritage planner indicates the submitted material and colours will enhance and improve its streetscape contribution.</p>	<p>Yes</p>
4	AMENITY		
4.1	Acoustic Amenity and Privacy		
	<p>i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that:</p> <ul style="list-style-type: none"> ▪ Adequate site planning and building design measures are proposed to minimise noise impacts. ▪ Noise levels generated from the child care centre, when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level. ▪ Suitable noise attenuation measures have been incorporated into the proposal. <p>ii) Orient extensions to minimise overlooking, overshadowing and to preserve the acoustic amenity of adjoining properties.</p> <p>iii) Locate outdoor and indoor play</p>	<p>i) An amended/revised acoustic report has been submitted by Renzo Tonin received by Council 29 September and Councils Environmental health section consider that the proposed development will comply with the relevant noise criteria pending implementation of the mitigation measures outline in the acoustic report as well as the subject of a number of conditions.</p> <p>ii) The building is considered to have been orientated to minimise overlooking and overshadowing; and with the implementation of recommended conditions there should not be any unreasonable impact on the acoustic or visual amenity of adjoining properties.</p> <p>iii) The proposal has</p>	<p>i) Yes. Refer to Executive Summary report and Environmental Health comments.</p> <p>ii) Acceptable. Refer to Executive Summary report</p> <p>iii) Yes</p>

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DCP Clause	Controls	Proposal	Compliance
	<p>areas, balconies and terraces and operable windows to minimise the direct line of sight to and from neighbouring properties.</p> <p>iv) Locate pedestrian access ways and ramps away from neighbouring residential properties where practical.</p> <p>v) Maximise the use of fencing, landscape buffers and window coverings to protect visual privacy and acoustic amenity for the centre and neighbouring properties.</p>	<p>largely been designed to minimise direct lines of sight into the neighbouring dwellings by the inclusion of glass block windows and an acoustic wall along the south eastern elevation of the proposed first floor level outdoor playing area. There will be some views across to the rear of the nearest residential property at No. 4 Virginia Street, with the trafficable balcony area. In order to improve privacy between the 1st floor balcony and the neighbours rear yard, it is considered that this has been achieved by relocating the stairs to the opposite side of the balcony (closest to Baker Street) and inclusion of a 1.6m high privacy screen running for a length of 4.6m along the north eastern rear elevation of the outdoor balcony which will provide 9m separation (at an angle of 45 degrees) from the viewable balcony to the side boundary shared with the neighbour's property.</p> <p>iv) Pedestrian access ways and ramps are located at the north western and south western ends of the site alongside the footpath areas away from neighbouring dwellings.</p> <p>v) The proposal maximizes the use of fencing, landscape buffers and window coverings to protect the</p>	<p>iv) Yes</p> <p>v) Yes.</p>

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DCP Clause	Controls	Proposal	Compliance
		visual privacy and acoustic amenity for the centre and neighbouring site.	
4.2	Safety and Security		
	<p>i) Entry to the child care centre is to be limited to one secure point which is to be:</p> <ul style="list-style-type: none"> ▪ Appropriately located to allow ease of access. ▪ Well lit and adequately sign posted. ▪ Located away from areas used for vehicle access. ▪ Located away from outdoor space used by children. ▪ Monitored through natural or camera surveillance. ▪ Limited to authorised persons only through the provision of an electronic security system such as swipe cards. <p>ii) Where a child care centre is located within a building that also accommodates other uses, a separate and clearly marked entrance for the child care centre must be provided.</p> <p>iii) Incorporate windows on the front façade where possible to enable casual surveillance.</p> <p>iv) Where a proposed child care centre has a direct street frontage or vehicular access onto a classified road, identify additional safety measures (e.g. secure fencing, landscaping or other measures to prevent unaccompanied children from exiting the centre).</p>	<p>Pedestrian entry and access is off the traditional entry point at the corner of Virginia and Barker Street. Two other access points are located off the secondary street frontage along Barker Street, one of which is adjacent to the end of the building and another adjacent to the garage. A condition is included prohibiting the parent or student access from the entry adjacent to the staff parking garage.</p> <p>One use is proposed on site.</p> <p>The windows along the front façade have been appropriately designed to ensure casual surveillance.</p> <p>The play area is located to the rear of the site fronting the secondary street frontage. The applicant’s plan of management outlines access and security arrangements in the centre.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
4.3	Play Areas		
	<p>i) Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans.</p> <p>ii) Locate outdoor and indoor play areas</p>	<p>i) Outdoor and indoor play areas are dimensioned and clearly identifiable on the plans.</p> <p>ii) The proposed play</p>	<p>i) Yes</p> <p>ii) Yes</p>

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DCP Clause	Controls	Proposal	Compliance
	<p>to the north or north eastern portion of the site where practical.</p> <p>iii) Locate outdoor play areas away from the main entrance, car parking areas or vehicular circulation areas.</p> <p>iv) Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties.</p> <p>v) Design and layout of outdoor play areas should maximise clear sight lines and ensure ease of access to the main indoor play areas.</p> <p>vi) Indoor play areas must have adequate access to sunlight and natural ventilation.</p>	<p>areas are located to the north eastern areas of the site. This is considered acceptable and appropriate shading is provided over the top level outdoor play area with an awning and at ground level natural plants will provide shade.</p> <p>iii) The outdoor play areas are located to the rear of the site and separated from the main entrance, car parking areas or vehicular circulation areas.</p> <p>iv) A high south-eastern side boundary fence and acoustic wall along the south eastern side of the first floor play area provides adequate screening which will serve to minimise impacts to habitable rooms of adjoining properties. Landscaping provides additional privacy buffers.</p> <p>v) The outdoor play area is directly adjacent to the main indoor areas for clear sight line at both ground and first floor level</p> <p>vi) The indoor play areas on the ground floor level have adequate access to sunlight and natural ventilation. It is noted that even though the development is making use of glass block windows these are located at the southern sides of the development which</p>	<p>iii) Yes</p> <p>iv) Yes</p> <p>v) Yes</p> <p>vi) Yes</p>

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DCP Clause	Controls			Proposal	Compliance			
	<p>vii) Dedicate at least 50% of outdoor play areas for unencumbered activity and use a variety of surfaces (e.g. grass, sand, hard paving, and moulding).</p> <p>viii) Provide physical shading devices that are integrated into the design of the building. The material and colour of shading devices must be considered in relation to the streetscape and adjoining properties.</p> <p>ix) Toilets should be easily accessible from both indoor and outdoor play areas.</p>			<p>would not be relied upon for providing high levels of sunlight access.</p> <p>vii) The plans submitted indicates that at least 50% of the outdoor play area (both ground and first floor is for unencumbered activity and also uses a wide variety of surface materials such as grass, sand, hard paving and trees other elements.</p> <p>viii) The top sun awning is conventional design and provides some level of shade. The ground level contains natural shade structures with the level above providing</p> <p>ix) Adequate toilet facilities are provided that are readily accessible, safe and convenient for the children.</p>	<p>vii) Yes</p> <p>viii) Yes.</p> <p>ix) Yes</p>			
	<table border="1"> <tr> <td data-bbox="341 1281 469 1420">Indoor Space</td> <td data-bbox="485 1281 612 1420">0-6 years old</td> <td data-bbox="619 1281 868 1420">3.25m² per licensed child space of unencumbered space</td> </tr> </table>	Indoor Space	0-6 years old	3.25m ² per licensed child space of unencumbered space			<p>53 Children</p> <p>Required = 172m² Proposed = 185m²</p>	<p>Yes</p>
Indoor Space	0-6 years old	3.25m ² per licensed child space of unencumbered space						
	<table border="1"> <tr> <td data-bbox="341 1438 469 1554">Outdoor Space</td> <td data-bbox="485 1438 612 1554">0-6 years old</td> <td data-bbox="619 1438 868 1554">7m² per licensed child space of useable outdoor space</td> </tr> </table>	Outdoor Space	0-6 years old	7m ² per licensed child space of useable outdoor space			<p>Required = 371m² Proposed = 371.3m²</p>	<p>Yes</p>
Outdoor Space	0-6 years old	7m ² per licensed child space of useable outdoor space						
<p>4.4</p>	<p>Landscaping</p>							
	<p>i) Submit a landscape plan with the DA clearly identifying the following elements:</p> <ul style="list-style-type: none"> ▪ Location of play equipment ▪ Location and extent of landscape buffers ▪ Proposed planting including a variety of trees and plants to create visual interest and shade for children ▪ Materials and finishes of outdoor surfaces. 			<p>Landscape plans have been provided with appropriate planting and screening for visual interest and shading for the children.</p> <p>The landscaping design reflects the character of the streetscape in terms of scale and planting style and has been strategically placed to</p>	<p>Yes</p>			

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DCP Clause	Controls	Proposal	Compliance
	<p>ii) Landscape design is to reflect the prevailing landscape character of the streetscape in terms of scale and planting style.</p> <p>iii) Landscaping must be designed to minimise the visual impact of the development on the streetscape and neighbouring properties.</p> <p>iv) A landscape buffer of no less than 1 metre must be provided in the front setback where on site car parking and drop off areas are proposed in residential zones.</p> <p>v) A landscape buffer with suitable screening plants should be provided along the side and rear boundaries where practicable.</p> <p>vi) Toxic, spiky or other plant species hazardous to children should not be used.</p>	<p>minimise impact onto the neighbouring properties.</p> <p>Landscape buffers with suitable screen planting have been provided to the sides and rear of the building.</p> <p>No spiky or toxic plants are proposed.</p> <p>A condition is included requiring the trees sought on council property along the barker street side to be deleted from the development.</p>	
5	TRAFFIC, PARKING AND PEDESTRIAN SAFETY		
	<p>i) Submit a Parking and Access Report with the DA, by an accredited consultant. The Report must address, but is not limited to:</p> <ul style="list-style-type: none"> ▪ prevailing traffic conditions ▪ likely impact of the proposal on existing traffic flows ▪ pedestrian and traffic safety ▪ Appropriate arrangements for safe and convenient pick up and drop off at the site. <p>ii) A reduction in car parking controls in Part B, section B7 may be considered where:</p> <ul style="list-style-type: none"> ▪ The site is located in proximity to high frequency public transport. ▪ The site is co-located or in proximity to other trip generators (e.g. business centres, schools, public open space, car parks). ▪ There is sufficient on street parking available at appropriate times within proximity of the site. ▪ The development is not likely to result in any adverse impact on the safe operation of the surrounding 	<p>Council’s comprehensive DCP 2013 Part B7 specifies that parking be provided for childcare centres at the rate of 1 space per two staff plus 1 space per 8 children for pickup and drop of children.</p> <p>For the proposed development consisting of 53 children and 7 staff this will require 4 spaces for staff and 7 spaces for pickup and drop off.</p> <p>The proposal is able to accommodate only three staff parking spaces for staff within the garage (note one carspace is required to be replaced with a shared zone due to the requirement for access).</p> <p>The proposal is able to</p>	<p>No, In short, the shortfalls in parking provided on site and drop off and pick up are one space for each component. These are generally considered to be minor shortfalls. See development engineering comments in executive summary).</p>

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DCP Clause	Controls	Proposal	Compliance
	road network.	accommodate 6 spaces for drop off and pick up at 15min timed intervals.	
Vehicle Circulation and Car parking Design			
	<p>i) On-site parking and drive through facilities must not visually dominate or detract from the streetscape character.</p> <p>ii) Car parking areas and set down and pick up points, must be appropriately marked, signposted and lit to ensure pedestrian safety.</p> <p>iii) The entry and exit of set down and pick up points should preferably be separated.</p> <p>iv) On-site parking and vehicle manoeuvring areas are to be designed so that vehicles can safely enter and exit the site in a forward direction.</p> <p>v) Stack parking may be considered for a maximum of 2 car spaces.</p> <p>vi) Access driveways must not be located opposite or in the vicinity of road intersections.</p>	<p>i) It is not considered that the proposed parking and driveway facilities within the existing garage will dominate the streetscape and minimises impacts on the character of the area.</p> <p>ii) The parking area will be appropriately lit for staff. There is no pick up and drop off proposed on site.</p> <p>iii) The parking area is for staff only. Pedestrian access is separated from the vehicle access which ensures safe access and egress for pedestrians.</p> <p>iv) Manoeuvring into parking is not available in a forward direction, but in a tandem arrangement as allowed for under subsection v) below.</p> <p>v) A maximum of 2 car spaces will be in a stack parking arrangement.</p> <p>vi) The access driveway is located approximately 9m from the corner of the kerb.</p>	<p>i) Yes</p> <p>ii) Yes</p> <p>iii) Yes</p> <p>iv) No, however it is considered that the parking and driveway have been designed so that vehicles can safely manoeuvre in and out of the site.</p> <p>v) Yes</p> <p>vi) Yes</p>
Pedestrian Access Design			
	i) Pedestrian access must be separated	i) The plans indicate	i) Yes

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DCP Clause	Controls	Proposal	Compliance
	<p>from vehicular access with clearly defined paths, signage and fencing.</p> <p>ii) Appropriate site distances and traffic calming measures may be required to ensure pedestrian safety.</p> <p>iii) Pedestrian pathways are to be a minimum width of 1.2 metres to allow for easy circulation throughout the site.</p>	<p>that the pedestrian access is separated from vehicular access.</p> <p>ii) Appropriate site distances and pedestrian safety is maintained.</p> <p>iii) Pedestrian pathways are required to comply with the BCA requirements.</p>	<p>ii) Yes</p> <p>iii) Prescribed condition</p>
6	Hours of Operation		
	<p>i) DAs should include supporting information demonstrating that the proposed hours of operation are compatible with adjoining land uses, and in the case of multi storey buildings, that the proposed hours of operation are compatible with the upper level uses.</p>	<p>The proposed childcare centre will operate 7:00am to 6:00pm Monday to Friday and will be closed on weekends and public holidays. These hours are considered to be acceptable in a residential area subject to conditions of consent being complied with.</p>	<p>Refer to Executive Summary report.</p>
7	Fences		
	<p>i) Fencing is to be of a height and design suitable to contain noise generated by children’s activities and compatible with the building and fencing materials used in the vicinity.</p>	<p>i) Acoustic screening and fencing recommended by the Acoustic consultant either already exist or form part of the application for development. The recommendations are indicated on the amended acoustic report and considered acceptable having regard to ensuring the minimisation of potential acoustic privacy impacts on neighbouring properties. The proposed fencing facing Barker Street has been designed so that it is consistent with the existing fence form. Note: Advisory note included as per Heritage planner comments</p>	<p>i) Yes</p>

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DCP Clause	Controls	Proposal	Compliance
	ii) Child proof fencing and self-closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children.	ii). Safety gate shown at the entrance only.	ii) Appropriate safety and security fencing are a prescribed condition.
	iii) Fencing must not obstruct sight lines between pedestrians and vehicles.	iii) The proposed fencing does not obstruct any sight lines between pedestrians and vehicles.	iii) Yes

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the “Environmental Planning Instruments” section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the “Policy Control” section of this report for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A	The issues raised in the submissions have been addressed in this report and the council executive summary report.

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Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Regulation	
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. The proposed childcare facility would contribute to a necessary service for the community and promotes the objectives of the zone. Accordingly, the proposal is considered to be in the public interest.

5. Referral Comments

5.1 Environmental Health Officer Comments following submission of requested material:

Proposed Development:

The development application proposes for the conversion of an existing boarding house to a child care centre facility to cater for 53 children within the 0-5 year old age bracket (8 x 0-2 year olds, 15 x 2-3 year olds & 30 x 3-5 year olds). The proposed hours of operation are 7am – 6.00pm weekdays only. It is also proposed for the centre to be closed during weekends and public holidays.

Comments:

Food Safety Concerns:

A review of the development application and additional information provided to Council on 25.09.2014 confirmed that minimal cooking will be undertaken at the premises, however the premises will have a kitchen that proposes to comply with the Food Act 2003, Food Standards Code and Australian Standard 4674:2004.

Recommended food safety conditions of consent will be included in this referral to address any further food safety concerns raised by the Environmental Health team.

Noise Concerns:

A site inspection was undertaken on 24 September 2014 with the applicants which outlined that the premises is located in a residential area with residents located to the rear and sides of the premises. The environmental health team raised concerns regarding the noise generated from the external play areas and the general operations emanating from the proposed development.

Additional information was requested regarding:

- Noise generated from cumulative noise of 53 children playing in the outdoor play areas that includes consideration of different types of activities and peak noise generated from all children screaming (worse case scenario) during periods of active play.
- Noise emissions from children playing and screaming in the outdoor area (peak noise levels) and how this complies with the proposed 5dB noise level criteria at all times of the day in conjunction with other noise sources.
- Noise generated from music in the outdoor play areas. (period of time, type of music etc)

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- Noise generated from increase traffic to the centre in the morning and evening times.
- Details of how 53 children will be managed in the outdoor area (to be provided by the applicant and incorporated within the Plan of Management but considered by the acoustic consultant)
- a statement to be provided advising how the recommendations, including the acoustic walls, will ensure the noise from 53 children playing in the outdoor area and other play areas will not exceed the 5dB above the background noise level criteria.
- Details of noise emissions that include accumulated noise impacts from all noise sources of the development including noise emanating from 53 children playing in the outdoor play area for the entire period of time (7.00am-6.00pm), noise from music playing in the outdoor play area and noise from all mechanical equipment will comply with the relevant acoustic requirements.

An amended acoustic report prepared by Renzo Tonin & Associates dated 29 September 2014 Doc Reference TG767-02F03 Noise Assessment (r0) and an acoustic statement by Renzo Tonin & Associates was provided to Council on 29 September 2014.

The information provided advised the following;

- Noise impacts from the 53 children playing in the outdoor play areas, to the nearest residential receivers, are predicted to comply with the relevant noise criteria provided the recommended acoustic mitigation measures outlined in the report are implemented, including the following;
 - 1) *Acoustic absorption material with a minimum NRC of 0.8 shall be fixed to the underside of the partial roof cover over the north- eastern section of the first floor balcony to the maximum extent possible (i.e. not covering skylights etc)*
 - 2) *A combination of 2.1m and 1.8m high acoustic screen along the south-eastern side of the first floor balcony is to be installed. The 2.1m high section should extend 4m out from the building facade with the remaining section extending 1.8m high.*
 - 3) *A 1.5m high screen should be installed along the north- western & north eastern side of the first floor balcony incorporating a door with a safety latch at the top of the landing with acoustic seals. This acoustic screen and door may be constructed as timber rails and battens with 6mm thick perspex behind.*
 - 4) *The existing south-eastern boundary fence is to be upgraded with a 2.1m high acoustic screen for approximately 20m in length. The remainder of fence remains unchanged at 1.8m. The 2.1m high acoustic screen may be constructed from standard solid metal fencing material or lapped and capped timber.*
- Breakout of indoor noise from the childcare centre to the nearest affected residences is not predicted to be an issue.
- The location of air conditioners is ideally situated on the northern façade of the building behind the existing color bond fence and noise from these units will

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comply with the relevant noise criteria whilst also not add cumulatively to noise from outdoor play.

- Noise impacts from site related traffic on public roads comply with the NSW Road Noise Policy and are acceptable.
- Traffic noise intrusions from South Dowling Street into the child care building is acceptable.
- Music will not be played in outdoor areas and a condition of consent to that effect should be included.

Please also note a more detailed Plan of Management was requested and submitted to Council on 29 September 2014. The Plan of Management outlines how children will be managed and supervised in the indoor and outdoor play areas to ensure noise is kept to a minimum.

Council has received a petition with 16 residents who have signed to object to the development for reasons including noise nuisances generated from the operation of a childcare centre. An additional seven objections have also been received regarding the potential for noise to emanate from the development.

With regards to noise, after reviewing the acoustic reports and statements provided by the acoustic consultants it is considered that the proposed development will comply with the relevant noise criteria pending implementation of the mitigation measures outlined in the acoustic report.

Therefore the Environmental Health team recommends including conditions relating to compliance with the acoustic report prepared by Renzo Tonin & Associates dated 29 September 2014 Doc Reference TG767-02F03 Noise Assessment (r0) and an acoustic statement provided by Renzo Tonin & Associates and including Councils standard noise condition for development consent.

It is also recommended that an acoustic validation assessment is undertaken three month after occupation to confirm the operation of the childcare centre is operating in accordance with the requirements of the acoustic report supporting the development application.

5.2 Development engineer inclusive of Integrated Transport Engineer comments

An application has been received for alterations and additions to the existing dwelling, including conversion into a Child Care Centre for 53 children with 3 on-site parking spaces and 1 disabled parking space at the above site.

This report is based on the following plans and documentation:

- *Architectural Plans by Artiva Architects stamped by Council 8th August 2014;*
- *Statement of Environmental Effects by Planning Ingenuity stamped by Council 8th August 2014*
- *Detail & Level Survey by*
- *Arboricultural Assessment Report by Jacksons Nature Works, dated 6 August 2014;*
- *Playspace/Landscape Plan by Tessa Rose, dwg 1-3, dated 7 August 2014.*

GENERAL COMMENTS

Development Engineering raises no objection to the proposal subject to the conditions provided in this report

TRAFFIC AND PARKING ASSESSMENT**TRAFFIC COMMENTS**

The Development Engineer has obtained traffic count data in Virginia Street from Council surveys undertaken in 2004 and 2011 which were conducted approximately 100m to the southeast of the subject site past the intersection with Myrtle Street.

Virginia Street

Year & Date	Northbound	Southbound	Total
2004 (28th May)	581	656	1237
2011 (13th Oct)	533	658	1192

A traffic count survey was also conducted in Baker Street in 2010 approximately 100m to the north east of the subject site past the intersection with McDougall Street

Baker Street

Year & Date	Northbound	Southbound	Total
2010 (25th May)	579	550	1129

The submitted traffic and parking assessment by McLaren Traffic Engineering indicates that the proposed childcare centre will generate a total of 94 (42+16+37) vehicle trips per day which is based on rates provided in the RMS's Guide to Traffic Generating Developments.

If assuming all vehicles use Virginia Street this represents a 7.9% increase (using 2011 data) in traffic counts or 8.3% if all vehicles use Baker Street (using 2010 data). Note that these figures represent a worst case scenario and actual increases would be expected to be less. It should also be noted that traffic counts in Virginia Street experienced a drop between the 2004 and the 2011 surveys and the expected traffic increase only represent a 4% increase on the 2004 survey data.

The expected traffic increases as a result of the proposed development are relatively minor and should not create any unacceptable traffic impacts. The traffic study has satisfactorily demonstrated that the intersection of Baker/Todman Avenue and Baker/McDougall Street will both maintain their current level of service with only very minor increases in their degree of saturation levels. No objections are therefore raised on traffic grounds.

PARKING COMMENTS

Parking Requirements for the development have been assessed as per the rates specified in Part B7 of Randwick Council's Development Control Plan 2013.

For childcare centres, parking is required to be provided at the rate of 1 space per 2 staff plus 1 space per 8 children for pick-up and drop-off.

Staff Parking

The submitted plans indicate approximately 8 staff will be employed at the centre which will require the provision of 4 spaces when adopting the DCP rate.

Three spaces (including 1 disabled space) have been provided within the garage thereby creating a parking deficiency of 1 space. The 1 space deficiency has been considered in the context of the site's proximity to public transport and the impact on the availability of on-street parking. It is also noted that additional bicycle

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parking and a shower facility has been provided in compensation for the shortfall. In consideration of these factors no objections are raised to the 1 space deficiency in this instance.

Pickup and Drop Off

No off-street has been provided parking for pickup and drop-off and so the development will be relying on the availability of on-street parking to satisfy this demand. Seven spaces will generally be required for pickup and drop-off when adopting the DCP rate.

A 15 minute timed pickup and drop-off zone has been proposed along both the Baker and Virginia Street frontages which will provide 6 spaces. This is considered satisfactory as it restricts the parking to the site's frontages with the time restriction also ensuring satisfactory turnover of spaces. The proposed pickup and drop-off zone has been approved in principle by Randwick Traffic Committee at its October 14th meeting.

Council's Traffic Engineers have requested however that kerb nibs/traffic islands be provided at the corner of Virginia Street and Baker Street to address safety concerns and prevent parents/carer's from parking within the mandatory 10m long No stopping zones.

Conditions requiring approval of these kerb nibs by Randwick traffic Committee have been provided in this report.

Bicycle parking

Council's DCP 2013 specifies that bicycle parking be provided for "all other developments" at the rate of 1 bicycle space per 10 car spaces which would require the provision of 0.3 spaces when just considering staff parking. It also states however that the number of spaces be rounded up to the nearest whole number hence a minimum of 1 space should be provided.

It is noted that additional bicycle parking above the DCP has been provided and will assist in reducing the impact of the vehicle parking deficiency. This is supported by Development Engineering

TRANSPORT ENGINEER COMMENTS

The application has been referred to Council's Department of Integrated Transport who have also provided a detailed report (See Trim document D02194304). The Transport Engineer's report included the following summary of findings;

- 1. The traffic likely to be generated by this development can be accommodated by the road system.*
- 2. The on-site staff parking requirement falls short by 1 car parking space according to Council's requirements under the relevant Development Control Plan which is considered minor.*
- 3. The 'shortfall' of parking, according to the relevant Council's DCP, can be accommodated by vehicles parking upon the public road.*
- 4. Any alterations to the time restrictions should be referred to Randwick Council's Traffic Committee for its approval and any cost involving the change in signage should be borne by the developer.*
- 5. Disable parking requirements meet the Council's DCP with provision of 1 on site accessible parking space (not marked one)*

6. Provision for bicycle parking and associated facilities will be provided according to the Traffic report submitted to the Council.

Dilruba Akhter, Transport Engineer
Integrated Transport

It is considered the traffic and parking impacts associated with the development are acceptable. There are no objections from Council's Transport or Development Engineers subject to the conditions provided in this report.

DRAINAGE COMMENTS

There will not be any significant increase in stormwater runoff as a result of this proposal since the development generally occupies the existing building footprint. Stormwater detention will therefore not be required and the developer will only be required to direct any new additional drainage infrastructure to discharge to the kerb and gutter in Virginia or Baker Street.

LANDSCAPE COMMENTS

The inspection of 15 October 2014 revealed an 8-10m tall *Eucalyptus punctata* (Grey Gum, Tree 3) on the Baker Street verge, just to the west of the existing vehicle crossing, which is a native species of good health and condition, and due to its location on public property, is also covered by clause 5.9 of Council's LEP 2013 & clause B5 of Council's DCP 2013 – 'Preservation of trees or vegetation'.

While it should remain unaffected by this application given an absence of any external works in this area, minimal protection measures and a bond have still been imposed to ensure its preservation in the streetscape, given its proximity to the main access point.

Still on the verge, further to the west, there is a smaller, 3m tall *Elaeocarpus reticulatus* (Blueberry Ash), and then closer to the corner of Virginia Street, a smaller, recently planted *Gleditsia triacanthos* 'Sunburst' (Honey Locust) which will both require similar measures to those described above.

In the rear yard, in the grassed area just to the west of the existing vehicle entry and internal concrete surfacing, there is a mature, 10 metre tall **Acacia melanoxylon (Blackwood, Tree 2)**, of only fair health and condition due to dieback, deadwood and past pruning/storm damage, and has also been crown lifted to a height of about 5 metres above ground level to provide a clearance in the rear yard.

While being the most established vegetation within this site, and providing the only existing source of shade for the future outdoor play area, which is otherwise dominated by vast expanses concrete; this is a relatively short-lived genus that is prone to decay, and for these reasons, is seen to have a short Safe Useful Life Expectancy (SULE), and may already be in decline.

While the rear extension will not directly affect this tree, it is not considered viable for retention in the long-term, especially considering the intended future use of this site, and on this basis, consent has been granted for its removal, as recommended in the Arborists Report, with the Landscape Plans showing that an advanced, replacement native tree will be installed in this area of the site, which is an acceptable outcome.

Still in the rear yard, further to the east, along the southern site boundary, hard

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up against the existing garage/shed, there is a 4m tall *Ficus benjamina* (Weeping Fig, Tree 1), which while being in good health and condition, is deemed completely unsuitable in this case given its invasive and aggressive root system, which will likely damage the concrete surfacing, resulting in trip hazards and costly repairs, with its small fruits also presenting a choking hazard to young children, and on this basis, its removal can be supported, as has been recommended in the Arborists Report.

The Landscape Plans show a high level of detail which will result in a high quality treatment for the centre, with the active outdoor play space to incorporate items such as balance beams, climbing ropes, a slide, timber bridge and climbing walls, with conditions requiring that certification that these items and the overall design of the 'playground' comply with the relevant Australian Standards.

5.3 Heritage planner comments

The Site

The site is prominently located on the corner of Virginia and Baker streets, within the West Kensington heritage conservation area. The site is occupied by a two storey building, likely to have been constructed as a ground floor shop with first floor residential accommodation. It appears that the building dates from the Interwar period and originally comprised shop windows on either side of a corner entrance with recessed balconies to upper level street frontages and at ground level on the Baker Street frontage. A single storey workshop building is located at the rear of the site. The function, siting, scale and form of the building are not typical of the heritage conservation area, which is characterised by single storey pitched roofed cottages set well back from the street. It is considered however that the building is something of a landmark in the otherwise homogeneous urban fabric, and is evidence of the importance of the corner shops in the nineteenth and early twentieth century residential areas.

Background

The proposal has been the subject of a formal pre-lodgement meeting (PL/27/2014) which provided two design options and a Preliminary Heritage Impact Statement. Comments were provided in relation to design options and façade treatment. Concerns were raised in relation to a proposed upper level addition to the rear outbuilding.

Proposal

The proposal is for use of the site as a child care centre for 53 children. At ground floor level, it is proposed to provide an entry lobby, two playrooms and associated areas, as well as staff and storage spaces. At first floor level a third playroom is to be provided, with associated areas and storage spaces, and a large balcony to be used as an outdoor play area. The rear workshop is to be used for carparking, with a staff room at the southern end.

Submission

The application has been accompanied by a Heritage Impact Statement prepared by NBRS + Partners. The HIS provides a detailed history of the building noting that the shop and residence was constructed around 1920. The HIS notes that the building has been extensively modified, including replacement of open verandah areas with new infill windows. The HIS considers the building to be a neutral item in the evolving character of the suburb.

The HIS notes that the streetscape presence of the building will be enhanced through more sympathetic fenestration and reinstalment of earlier awning treatment. The HIS notes that internally, the interior has previously been modified so that these changes will not affect significant features, but demolition

has been rationalised to limit areas of change and to allow for retention of original fabric where possible. The HIS notes that externally, the proposal involves removal of later rear additions, construction of a ground floor addition and first floor deck and reconstruction of the existing rear garage. In terms of heritage impact, the HIS considers that the proposed internal and external changes will have minimal impact on any public perception of the site within the conservation area and the required modifications will generally be sympathetic to the residential character of the area. The HIS concludes that the proposed works do not adversely affect the heritage character of the property or its roles as a neutral/contributing element in the conservation area. The HIS argues that the use is compatible with the identified heritage values and do not detract from heritage significance.

Controls

The Statement of Significance for the West Kensington heritage conservation area notes that the heritage character of the area largely derives from its Federation and Inter-War housing, its predominantly single storey scale, the originally consistent face brick construction, and the highly visible tiled and slated roofs. In relation to Commercial properties, the Heritage section of Randwick DCP 2013 includes the Objective of ensuring that original characteristics of traditional neighbourhood retail buildings are retained and enhanced.

Comments

The existing building comprises a two storey skillion roofed form, built to the Virginia Street boundary and set back from the Baker Street boundary for part of its length. The building is predominantly of masonry, but at first floor level the rear section is in lightweight construction. At ground floor level there is a hipped roofed extension along the south eastern boundary with a skillion extension to the remainder of the rear elevation. On the street facades the only remaining open recessed balcony is at ground level, at the southern end of the Virginia Street elevation. All original windows at ground and first floor level have been replaced with brown anodised sliding aluminium windows. Awning suspension points remain on both street facades and Council's historic aerial photographs indicate an awning was removed sometime between 1961 and 1975.

Changes to street elevations

At the front of the building it is proposed to replace windows at ground and first floor level to the Virginia Street and Baker Street elevations and to provide open recessed balconies with french doors at the southern end of the Baker Street elevation. Ground floor windows are to comprise large panes with smaller highlight panels above. First floor windows are to comprise vertically proportioned timber fixed and casement sashes.

The replacement of the existing unsympathetic windows will relate the façade to the traditional detailing of surrounding dwellings and considerably improve the streetscape presentation of the building. Depending on privacy requirements and proposed glazing, the new ground level windows could improve public and private amenity by opening up views between the street and internal spaces. An appropriate consent condition should be included requiring further detail in relation to glazing.

The proposed recessed balconies provide a sense of façade depth and articulate the bulk of the building. An appropriate consent condition should be included requiring further detail in relation to any security bars to these balconies. The proposed awning matches the extent to the original awning its reinstatement will enhance streetscape amenity and the streetscape contribution of the building.

Changes to rear

Externally, changes are proposed to the rear of the building at ground and first floor level. At ground floor level, it is proposed to demolish the hipped roof and skillion extensions and to square-off and extend the building. At first floor level it is proposed to partially remove existing skillions, reducing the length of the building and to reconstruct in masonry and to provide a 73m² deck for use as an outdoor play area. Internally it is proposed to retain a number of load bearing walls, particularly at first floor level. The proposed layout, particularly at ground floor level retains evidence of the building's original spatial configuration, especially in the balcony zone to the street frontages. There are no heritage objections to these rear and internal changes which will affect secondary building fabric and will not significantly affect the streetscape of the heritage conservation area.

The deck is to have a 1.8m high solid screen to its 7.2m south eastern side edge, and a 32m² roof, somewhat adding to building bulk. On the south eastern side elevation existing windows are to be replaced with glass blocks and an original recessed side entrance is to be blocked up. There are no heritage objections to the proposed changes to the side elevation which will have minimal streetscape visibility.

The deck is to have 1.5m translucent screens to its Baker Street side and rear garden edges. The 2m setback of the upper level deck from Baker Street (matching the adjacent wall), however will give this non-traditional balustrade considerably streetscape visibility. These concerns were raised with the applicant and amended drawings have now been received which provide a 1.2m timber balustrade in front of the translucent screens. A consent condition should be used requiring further detail of the timber and Perspex balustrade.

The 6mm Perspex screens are required for noise attenuation. The applicant has advised that the screens will be able to be cleaned by either a high pressure hose or by removal of the panels. The existing collarbone fence to the Baker Street boundary is to be retained. It is suggested that a timber paling or lapped and capped timber fence would better relate to traditional boundary fencing in the area and would improve the amenity of the streetscape. An appropriate advisory condition should be included.

Changes to outbuilding

The Outbuildings section within the Low Density Residential section of Randwick DCP 2013 includes a Control that except for laneway development, outbuildings must be single storey only and must not exceed a maximum height of 3.6m with a wall height of 2.4m. The outbuilding will retain its existing single storey scale and there are no heritage objections to proposed modifications to this secondary building fabric.

Materials, finishes and signage

The proposed colour scheme for existing painted masonry surfaces will enhance the architectural detailing of the building and improve its streetscape contribution. No details of any signage proposed in junction with the child care centre and an appropriate consent condition should be included.

Recommendation

The following conditions should be included in any consent:

- Further detail is to be provided in relation to glazing to the ground floor facades to Virginia Street and Baker Street, e.g.- clear, opaque, translucent, partially clear. Additional detail is to be submitted to and

approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Advisory

- *Consideration should be given to replacement of the existing collarbond fence to the Baker Street boundary with timber paling or lapped and capped timber fencing, in order to better relate to traditional boundary fencing in the area, and to improve the amenity of the streetscape.*

Assessment officer's comment: Further amendments considered to minimising privacy impact on the neighbouring property included the relocation of the rear external stairs to the other end of the balcony closest to Baker Street and provision of a 1.6m privacy screen return along the rear elevation of the balcony for a length of 4.6m from the north-eastern corner running north-westward.

Council's heritage planner raised no objections to these amendments on the basis of heritage significance.

5.4 Environmental Regulatory and Building

Proposed Development:

It is proposed to make alterations and additions to the existing 2 storey dwelling and the rear garage and use the entire premises as a childcare centre. The garage will contain carparking, storage and office space. At the ground floor it is proposed to provide an entry foyer, office area, 2 indoor children's play rooms, children's and disabled toilets, a cot room, nappy change room, kitchen, laundry and storage areas. Proposed at the first floor is an indoor children's play room, outdoor children's play terrace, children and adult toilets, and dedicated storage spaces.

A passenger lift is also proposed to connect the ground and first floor levels.

Comments:

No objection seen. Appropriate conditions will be provided.

Recommendation:

Should the application be approved, it is recommended that conditions be included.

6. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

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1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA 01 Issue B	Artiva	07.11.14	7 November 2014
DA 11 Issue C		07.11.14	7 November 2014
DA 12 Issue C		07.11.14	7 November 2014
DA 13C Issue A		08.08.14	8 August 2014
DA 21 Issue C		07.11.14	7 November 2014
DA 22 Issue C		07.11.14	7 November 2014
DA 31C Issue A		08.08.14	8 August 2014
DA32C Issue A		08.08.14	8 August 2014

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:

- a. A 1.6m high privacy screen provided to north-western elevation of the first floor rear balcony running from the south eastern corner of the balcony for a length of 4.6m must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. The privacy screen must be constructed to ensure no direct line of sight into the rear yard of the neighbouring property at No. 4 Virginia Street. The remaining sections of balustrades along the rear elevation must have clear Perspex installed behind the timber balustrades to a height of 1.5m above the balcony level.

Details showing compliance with the abovementioned conditions shall be submitted to Council prior to a construction certificate being issued for the development

- b. Further detail is to be provided in relation to glazing to the ground floor facades to Virginia Street and Baker Street, e.g.- clear, opaque, translucent, partially clear. Additional detail is to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Details showing compliance with the abovementioned conditions shall be submitted to Council prior to a construction certificate being issued for the development

- c. The landscaping sought to be planted on Council property along the Barker street side shall be deleted from the development.
- d. Parent or student access through the gate entry adjacent to the staff parking garage is prohibited.
- e. A maximum of 10 children are permitted to use the outdoor play area within the rear first floor balcony.
- f. No consent has been granted for signage to the premises.

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- g. No obscured glass balustrades are permitted along the rear first floor balcony rear elevation and Barker Street elevation.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

Section 94A Development Contributions

4. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$485,100 the following applicable monetary levy must be paid to Council: \$4,851.00.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Long Service Levy Payments

5. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

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Security Deposit

6. The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

- \$2000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Stormwater Drainage

7. Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the street gutter in front of the site to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

Sydney Water

8. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

Landscape Plans

9. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially in accordance with the Playspace/Landscape Plan by Tessa Rose, dwg 1-3, dated 7 August 2014.

Playspace Certification

10. Certification from an appropriately qualified professional must be provided, to the satisfaction of the Certifying Authority/PCA, confirming that the proposed outdoor playspace will comply with the relevant Australian Standards:

- **AS 4685 - Playground Equipment & Surfacing;**
- **AS 4486.1 – Playgrounds & Playground Equipment;**
- **AS 4422 - Playground Surfacing;**
- **AS 1428 - Design for Access & Mobility.**

Street Tree Protection

11. In order to ensure retention of the Eucalyptus punctata (Grey Gum, Tree 3) located on the Baker Street verge, just to the west of the existing vehicle crossing, as well as the smaller Elaeocarpus reticulatus (Blueberry Ash) just to its west, and then further west again, the recently planted Gleditsia triacanthos 'Sunburst' (Honey Locust) in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show the retention of these trees, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works.
- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property must be located to the east of the existing crossing, or, an equal distance between their trunks so as to minimize the potential for root damage.
- c. Each of these three trees are to be (individually) physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** to their east and west (measured off the outside edge of their trunks at ground level), matching up with the back of the kerb to their north, and pedestrian footpath to their south, in order to completely enclose each tree for the duration of works.
- d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- e. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- f. The applicant is not authorised to perform any works to these trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all costs with such work, to Council's satisfaction, prior to the issue of any Occupation Certificate.
- g. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.
- h. A refundable deposit in the form of cash, credit card or cheque for an

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amount of **\$1,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

The refundable deposit will be eligible for refund following the issue of an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to these trees at any time during the course of the works, or prior to the issue of an Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Waste Management

- 12. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for the on-going waste management of the childcare centre including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Structural Adequacy

- 13. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the upper floor additions.

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Compliance with the Building Code of Australia & Relevant Standards

14. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

Access & Facilities

15. Access and facilities for people with disabilities must be provided to new building work in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

Fire Safety

16. In existing buildings, the following works are to be carried out to (*as applicable*) to the satisfaction of the Certifying Authority:-

- a) Any new or replacement ceilings walls and floor linings and doorways are required to satisfy the relevant requirements of the Building Code of Australia,

Details of the abovementioned items and other building and fire safety works are to be provided in the construction certificate.

Design, Construction & Fit-out of Food Premises

17. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

18. The premises is to be designed and constructed in accordance with the *Food Act 2003*, *Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.

19. The design and construction of the food premises must comply with the following requirements, as applicable:-

- a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non-abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.

- b) Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.

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- c) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- d) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non-absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material), with a light coloured washable paint finish. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
- e) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc. must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- f) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- g) Fly screens and doors with self-closing devices, are to be provided to all external door and window openings and an electronic insect control device/s are to be provided in suitable locations within the food premises.
- h) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.
- i) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
- j) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
- k) All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
- l) Any space or gap between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).

Sydney Water Requirements

20. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

21. Liquid trade waste materials are to be drained to the sewer (via a suitable grease trap) and details of compliance are to be submitted to the Certifying Authority.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Certification and Building Inspection Requirements

22. Prior to the commencement of any building or fit-out works, the following requirements must be complied with:

- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- d) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Construction Noise & Vibration Management Plan

23. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority Guidelines for Construction Noise and

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Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, to Council's satisfaction.

Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

Construction Site Management Plan

24. A *Construction Site Management Plan* must be developed and implemented throughout the site works, to Council's satisfaction. The construction site management plan must include the following measures, (as applicable):

- location and construction of temporary site fencing / hoardings;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- details of proposed sediment and erosion control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- location and size of waste containers/bulk bins;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details;
- provisions for temporary sanitary facilities.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections during Construction

25. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

Building & Demolition Work Requirements

26. All demolition and building work associated and activities must be carried out in accordance with the following requirements:

- Work Health & Safety Act 2011 & Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Requirements, Guidelines and Codes of Practice

- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- The Protection of the Environment Operations (Waste) Regulation 2005
- EPA Waste Classification Guidelines
- Randwick City Council's Asbestos Policy

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

27. A *Demolition Work Plan* must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA) and Council, not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

Removal of Asbestos Materials

28. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- The requirements of WorkCover NSW and Randwick City Council's Asbestos Policy.
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal Certifying Authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Excavations & Support of Adjoining Land

29. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
30. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the *Principal Certifying Authority*.

Sediment & Erosion Control

31. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the Construction Site Management Plan.

Public Safety & Site Management

32. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with, to the satisfaction of Council:

- a) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a 1.8m high temporary safety fence or hoarding is to be provided to protect the public.

Temporary site fencing or hoardings must be constructed of cyclone wire fencing or heavy-duty plywood (painted white), or other material approved by Council.

Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

If necessary, suitable barriers must be provided to prevent any articles or debris from falling and causing a danger to the public or building occupants.

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature

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strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

- e) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- f) Site fencing, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council.

If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.

Site Signage

- 33. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
 - name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

- 34. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted
Internal fit-out work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> • Monday to Saturday - No time limits (subject to column 1) • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for

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limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Building Encroachments

35. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place. This condition requires the removal of planting along the Barker Street frontage unless written consent is obtained from Council under separate cover.

Tree Management

36. As recommended in the Arboricultural Assessment Report by Jacksons Nature Works, dated 6 August 2014, approval is granted for removal of the following, subject to full implementation of the approved landscaping and playspace area:
- a) The *Acacia melanoxylon* (Blackwood, Tree 2) located in the rear yard, just to the west of the existing vehicle crossing and internal hardstand area, due to its fair, declining condition;
 - b) The smaller *Ficus benjamina* (Weeping Fig, Tree 1) to its west, along the southern site boundary, against the existing garage/shed, due to its invasive and aggressive root system and resulting potential to cause structural damage and trip hazards, as well as the small fruits that present a choking hazard to young children.

Road / Asset Opening Permit

37. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

Kerb Island design

38. Prior to the commencement of any works on Council property detailed designs for the proposed kerb nibs/island at the corner of Virginia Street and Baker Street must be submitted to and approved by Randwick Traffic Committee. The plans must demonstrate the following to the satisfaction of Randwick Council's Traffic Engineers.
- The islands should be designed to adequately allow a 12.5m bus or 8.5m service vehicle to make a left turn from Baker Street into Virginia Street
 - The kerb islands are to be designed to the relevant requirements of RMS technical directions and Austroads.

NOTE: The applicant shall liaise with Council's Department of Integrated transport to discuss the above requirements and to arrange placement of item on the agenda for the next available meeting of Randwick Traffic Committee.

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REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificates & Requirements

39. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

Fire Safety Certificates

40. Prior to issuing an interim or final Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

A copy of the *Fire Safety Certificate* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire and Rescue NSW.

Noise Control Requirements

41. The operation of plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment and Heritage (EPA) Noise Control Guidelines.

42. A report or correspondence must be obtained from a qualified Acoustic Consultant if new plant and equipment is installed to the building which is located within 20m of a dwelling.

The report/correspondence is required to demonstrate that noise emissions satisfy the relevant noise criteria specified in Council's conditions of consent and the NSW Office of Environment and Heritage (EPA) Industrial Noise Policy.

Waste Management

43. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

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Trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

44. Any liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department (i.e. via a grease trap) and details of compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works.

Food Safety

45. The food premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
46. The acoustic mitigation measures outlined in acoustic report undertaken by Renzo Tonin & Associates dated 29 September 2014, Doc Reference TG767-02F03 Noise Assessment (r0) are to be implemented including, but not limited to;

- *Acoustic absorption material with a minimum NRC of 0.8 shall be fixed to the underside of the partial roof cover over the north- eastern section of the first floor balcony to the maximum extent possible (i.e. not covering skylights etc.)*
- *A combination of a 2.1m and 1.8m high acoustic screen along the south-eastern side of the first floor balcony is to be installed. The 2.1m high section should extend 4m out from the building facade with the remaining section 1.8m high.*
- *A 1.5m high screen along the north- western & north eastern side of the first floor balcony is to be installed incorporating a door with a safety latch at the top of the landing with acoustic seals. This acoustic screen and door may be constructed as timber rails and battens with 6mm thick Perspex behind.*
- *The existing south-eastern boundary fence is to be upgraded with a 2.1m high acoustic screen for approximately 20m in length. The remainder of the fence should remain unchanged at 1.8m. The 2.1m high acoustic screen may be constructed from standard solid metal fencing material or lapped and capped timber.*

Council's Infrastructure, Vehicular Crossings, street verge

47. The applicant must meet the full cost for a Council approved contractor to:
- a. Extend/widen the existing concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the garage as required, to Council's specifications and requirements.
 - b. Remove the redundant concrete vehicular crossing and layback in Baker Street and to reinstate the area with concrete footpath, turf and integral

- kerb and gutter to Council's specification.
- c. Construct kerb nibs/islands at the corner of Virginia and Baker Street subject to the approval of Randwick Traffic Committee & including any associated road/verge improvement works.
 - d. Install road signage for the pick-up and drop off zone indicating P 15min 7-9am, 4-6pm Mon-Fri.
48. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc. which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
49. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
50. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

Landscape & Playspace Certification

51. Prior to issuing any type of Occupation Certificate, certification must be provided confirming the date the site was inspected, and that both the landscaping (planting) and play-space have been completed and installed in accordance with the approved plans and relevant conditions of consent and Australian Standards.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Use of premises

52. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

External Lighting

53. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

Plant & Equipment

54. The operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

Air Conditioners

55. Air conditioning plant and equipment shall be located at ground level and not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.

Rainwater Tanks

56. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.

Fire Safety Statements

57. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* must be provided on an annual basis each year following the issue of the *Fire Safety Certificate*, and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

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A copy of the *Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

Hours of Operation

58. The hours of the operation of the business are restricted to the following:-

Monday – Friday only: 7:00am – 6:00pm.

Deliveries (including the loading and unloading of goods) are restricted to:

Monday to Friday only: 7:00am - 6.00pm

Food Storage

59. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

Food Safety Requirements

60. The food premises must be registered with Council's Health, Building & Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.

61. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

A digital probe type thermometer must also be readily available to check the temperature of food items.

62. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

63. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

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Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

64. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

Environmental Amenity

65. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
66. A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the business commences trading. The report should demonstrate and certify that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment and noise generated from all children in the outdoor play area. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

67. The operation of the site and the project specific criteria for noise emissions shall be in accordance with the acoustic report Renzo Tonin & Associates dated 29 September 2014, Doc Reference TG767-02F03 Noise Assessment (r0) unless otherwise stated by this development consent.
68. Music is not to be played in the outdoor play areas at any time.
69. The operation of the child care centre shall be in accordance with the Plan of Management dated 21 July 2014, received by Council 29 September 2014, prepared by Childcare consultancy PTY LTD unless otherwise stated by this development consent.
70. The childcare centre indoor and outdoor areas shall not exceed a maximum number of 53 children at any one time.
71. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

In this regard, the use and operation of the premises (including all plant and equipment) shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

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Waste Management

72. Adequate provisions are to be made within the confines of the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council, prior to commencing business operations.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

73. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

Sanitary Facilities

74. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided for customers and staff and be maintained in a clean and sanitary condition at all times.

Regulatory Requirements

75. The primary purpose of the premises is for the provision of food and the premises must not to be used principally, for the sale, supply and consumption of alcohol.

The written approval of Council and a relevant Liquor Licence under the (*Liquor Act 2007*) must be obtained beforehand for any proposed sale, supply and consumption of alcohol on the premises.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
 - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A5 The assessment of this development application does not include an assessment of the proposed building work under the Food Act 2003, Food Safety Standards or Building Code of Australia (BCA).
- All new building work must comply with relevant regulatory requirements and Australian Standards and details of compliance are to be provided in the *construction certificate* application.
- A6 The design and construction of the premises must satisfy the requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004). Prior to finalising the design and fit-out for the development and prior to a *construction certificate* being obtained, advice should be obtained from an accredited Food Safety Consultant (or Council's Environmental Health Officer).
- A7 The applicant and operator are also advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.
- A8 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works
- A9 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A10 Prior to commencing any works, the owner/builders should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A11 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article in a public place.

For further information please contact Council on 9399 0944.

A12 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

A13 In existing buildings, where necessary, the levels of fire and occupant safety should be upgraded and details should be incorporated in the Construction Certificate to the satisfaction of the Certifying authority.

Building owners, applicants and builders are advised to liaise with the appointed Certifying Authority prior to lodgement of the Construction Certificate.

A14 A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used for any of the purposes detailed below:

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, places of public entertainment and hotels
- Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
- Cooling Towers or Warm Water Systems
- External plant and equipment which is not encompassed in the development consent
- Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for any of these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

A15 The applicant/owner is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of

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the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.

- A16 Underground assets (e.g. pipes, cables etc.) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A17 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A18 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment - Trees - Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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